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Marc Tannenbaum

THE JACOB BLAUSTEIN
INSTITUTE FOR
THE ADVANCEMENT
OF HUMAN RIGHTS

of THE AMERICAN JEWISH COMMITTEE

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December 18, 1984

To: Administrative Council of the Jacob Blaustein Institute
for the Advancement of Human Rights

From: Richard Maass, Chair

MEETING NOTICE
WEDNESDAY, FEBRUARY 27, 1985
10:30 A.M. - 3:30 P.M.

This is to advise you that the winter meeting of the Administrative Council will be held on Wednesday, February 27, 1985 from 10:30 A.M. through luncheon to 3:30 P.M. I hope you will be able to attend and will so inform us on the enclosed reply form.

Enclosed for your attention are several items relating to the work of the Institute. These are:

- A. The latest Blaustein Institute publication, "The Soviet Human Rights Movement: A Memoir" by Valery Chalidze, who was the second recipient of the Institute's Sakharov Fellowship. Chalidze's Memoir raises vital questions about the most effective strategy for achieving the aims of the movement. The pamphlet is receiving wide distribution. Among other plans for its use, staff is now discussing a possible seminar around the issues dealt with by the author which have great relevance to today's challenges re Soviet Jewry.
- B. A paper by Roger S. Clark on Religious Intolerance which reflects his contact with the Institute.
- C. The statement of John Roche re the Yosif Begun case to the UN Subcommittee on Prevention of Discrimination ... The statement came about as a result of the input of the Blaustein Fellow assigned to John Roche.
- D. A news clip which refers to the Blaustein Institute-supported counter reports filed by the International League for Human Rights.

cont.---

ADMINISTRATIVE COUNCIL

- Richard Maass, *Chair* ■ Morris B. Abram ■ Mimi Alperin ■ Morton K. Blaustein ■ Donald M. Blinks ■ Thomas Buergenthal ■ Howard I. Friedman ■ Bertram H. Gold ■ E. Robert Goodkind ■ David M. Gordis ■ Howard L. Greenberger ■ Rita E. Hauser ■ Barbara Blaustein Hirschhorn ■ David Hirschhorn ■ Philip E. Hoffman ■ Charlotte G. Holstein ■ Robert S. Jacobs ■ Rita D. Kaunitz ■ Leo Nevas ■ Robert S. Rifkind ■ Arthur E. Roswell ■ Elizabeth Blaustein Roswell ■ Jerome J. Shestack ■ David Sidorsky ■ John Slawson ■ Jane Wallerstein
- Selma Hirsh, *Special Consultant* ■ Sidney Liskofsky, *Program Director* ■ Phyllis Sherman, *Coordinator* ■

- E. A Jerusalem Post report of a discussion sponsored by the Association for Civil Rights in Israel.
- F. A recent review of the Institute's publication, Essays on Human Rights: Contemporary Issues and Jewish Perspectives, edited by David Sidorsky.
- G. An interesting exchange of correspondence between Internet's Mideast Coordinator and the International Committee for Palestinian Human Rights.

I look forward to seeing you on February 27th. Best wishes

RM:mb
enclosures

84-900-65



THE AMERICAN JEWISH COMMITTEE

Meeting of the
Administrative Council of the
Jacob Blaustein Institute

Wednesday, February 27, 1985
10:30 A.M. - 3:30 P.M.

_____ I plan to attend

_____ I am unable to attend.

_____ Name

Please return this form to:

Phyllis Sherman
The American Jewish Committee
165 East 56th St.
New York, N. Y. 10022

Religious Intolerance

Roger S. Clark Paper

A UN Seminar on Religious Intolerance will be held in Geneva on December 3-14, 1984, to which 26 states will send experts, and which will be attended by prominent non-governmental organizations. Professor Roger Clark of Rutgers University Law School was asked by the UN Secretariat to prepare a paper on remedial action to eliminate religious intolerance. JBI provided Professor Clark with background materials, drawing on our efforts -- past and present -- to advance religious pluralism and improve intergroup relations, we discussed with him specific ways to promote religious liberty. Attached are excerpts from Professor Clark's broad-ranging paper which reflect his contact with JBI.

JBI provided similar assistance to the U.S. Government expert, James Finn, editor of Freedom at Issue (a publication of Freedom House), who also has been asked to prepare a paper for the December UN seminar. The JBI advisory group for our religious intolerance projects (Professor Clark, Mr. Finn, JBI grant recipients Professor Leonard Swidler, Father Frank Parker, and former Sakharov fellow, Professor Vratislav Pechota) met in November and consulted with Mr. Finn on his paper for the UN Seminar.

EXCERPTED P. 22-24, 32-35

UNITED NATIONS SEMINAR

ON

THE ENCOURAGEMENT OF UNDERSTANDING, TOLERANCE AND
RESPECT IN MATTERS RELATING TO RELIGION OR BELIEF

Geneva, Switzerland, 3-14 December 1984

AMERICAN JEWISH
ARCHIVES

Background Paper

By

Professor Roger S. Clark

Rutgers University School of Law

Camden, New Jersey, U.S.A.

Commissioner, the other a several-member collegial Commission), a special quasi-judicial tribunal, and finally the regular courts, but in this case a specialized division of the court of general jurisdiction with particular expertise in the administrative law area.

There is much experience also in the work of Race Relations Commissions in Australia, Canada, the United Kingdom and the United States that may be drawn upon in the present context.

4. Legal and Social Aid Arrangements

What has been said in Chapter III, section 6 about legal and social aid arrangements applies as equally to religious intolerance in the private sector as it applies to such intolerance in the public sector. The roles of the legal profession, including the provision of legal services to those who cannot afford them, and the roles of support by religious groups, by coalitions of such groups or by non-denominational human rights organizations and of trade union and youth groups, are of inestimable importance.

CHAPTER V PROMOTIONAL INSTITUTIONS

1. Educational Institutions

A very good summary of the role of educational institutions in the promotion of human rights in general was provided by Ms Leah Levin of the United Kingdom at the 1978 Seminar. Her summary applies accurately to rights involving freedom of religion or belief :

"Methods, contents and curricula for human rights education must be developed and should be adapted to national and regional realities. Thus human rights education should be part of primary and secondary school curricula and an essential component of teacher training and also of school education. At university level it is conceived as both part of

the teaching of separate disciplines as well as a separate course. Non-governmental organizations, trade unions, churches, play an important role in the field of adult education. An alert and educated public opinion and the involvement of the private citizen are basic elements in the promotion of human rights. Human rights education should be provided for special professional groups and particularly in the law enforcement sector. Special courses should be included in police and military training. Military training should also include human rights education. Special attention in this field should also be paid towards protecting and promoting the rights of victims exposed to discrimination. These are areas that require both special national and local institutions. Literacy is an essential basis and the promotion of literacy through national and international institutions is a high priority." (1978 Report page 26.)

During the discussion of this item at the 1978 Seminar the point was also made that professional groups have a responsibility for developing codes of ethics for their own professions and for making them widely known, especially as part of the continuing education of the group. (1978 Report page 35.)

UNESCO material such as the Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms adopted by the UNESCO General Conference in 1974 and the Final Report of the International Congress on the Teaching of Human Rights sponsored by UNESCO and held in Vienna from 12 to 16 September 1978 emphasizes the broad dimensions of the educational issue along the lines also discussed at the 1978 United Nations Seminar. For example, the 1974 Recommendation notes the need for action in various sectors of education - primary, secondary, post-secondary and technical. Stressing that "fundamental attitudes, such as, for example, attitudes on race [and the same surely applies to religion or belief] are often formed in the pre-school years" the Recommendation suggests that the pre-school level

"should be designed and organized as a social environment having its own character and value, in which various situations, including games, will enable children to be aware of their rights, to assert themselves freely while accepting their responsibilities, and to improve and extend through direct experience their sense of belonging to larger and larger communities - the family, the school, then the local, national and world communities."

Teachers should be properly prepared to deal with intolerance of religion and belief.

Educational material should be carefully scrutinized to be sure that it does not foster misunderstanding, hatred or distrust. Research and international collaboration on issues of intolerance should be stimulated.

Many kinds of teaching aids need to be produced to deal sensitively with the matter of intolerance based on religion or belief - films, pamphlets, video-taped role-plays all have a part to play. Even radio talk-back shows can be used in the necessary educational process.

One important way in which some religious groups in Europe and North America have already stimulated efforts in this area is by self-study of their teaching materials for negative stereotypes or other derogatory attitudes towards people of a different religious persuasion. More of this might be done. Careful self-study on a voluntary basis is likely to succeed where confrontational complaints by outsiders might only breed greater defensiveness. Another model of activity which might be helpful is meetings of teachers and above all of students at the institutions of learning that are maintained by the various religions. Joint courses might even be organized among such institutions. Contacts forged in such a setting where a maximum effort is made at understanding could be of considerable value to the future relations of various religious groups.

2. Human Rights Committees, Commissions, Boards and the Like

Membership of national institutions should reflect in its composition wide cross-sections of the public.

Appointment of such national institutions should be for a fixed term and persons so appointed will not be removed arbitrarily, or without good cause.

National institutions should be adequately staffed in order to enable effective discharge of their statutory functions.

National institutions should function regularly and should make adequate provision for immediate access to it by any member of the public or public authority.

National institutions should, in appropriate cases, have local or regional advisory organs to assist them in discharging their functions. Whenever practicable, these bodies should issue publicly available reports to the national institutions.

Wherever practicable, national institutions should be established as local or regional organs comprising persons familiar with local problems."

This set of guidelines should stimulate further discussion at the present Seminar.

3. Non-governmental Organizations

A wide range of non-governmental organizations has a role to play in promotional efforts involving freedom of religion or belief - religious groups, human rights groups and educational groups in particular. Indeed, much of what may be said under this heading over-laps what has been said under the heading of Educational Institutions. But there are plenty of new points that may be made.

At the 1978 Seminar on National and Local Institutions the view was expressed that

one of the main responsibilities of non-governmental organizations is to contribute to public consciousness and awareness of human rights and fundamental freedoms, as elaborated in national and international instruments. It was also pointed out that in a number of countries, legal aid is provided by non-governmental groups which in addition seek to focus attention on the existence of remedial aid for those who need it.

The New South Wales Anti-Discrimination Board's Report, to which reference has previously been made, asserts at page 280 that : "It is a matter of some concern that there is no non-government organization in New South Wales primarily concerned with religious freedom.... Many of the minority religious groups that made submissions to the Board have done so on an individual basis, concerned principally with the particular problems that have beset their group." In the opinion of the authors of the Report, "There is a need, therefore, for a vocal on-government organization with a wide representation, from both minority and mainstream religious groups and other interested groups and individuals, which would be concerned with the general issue of religious freedom and which would contribute to unbiased and informed public awareness about religious groups and the maintenance of civil liberties." Report page 281. The hope was expressed that the publication of the Report itself would stimulate the formation of such a group within the community. One might hope for a similar impact in some countries from the promulgation of the 1981 Declaration or from this Seminar. There is much material in the literature of non-governmental organizations concerning the importance of "networking" or "coalition-building" on issues of common concern. Religious groups and non-sectarian human rights organizations have an enormous stake in the religious freedom of what might appear to them to be fringe groups. One is reminded of the words of Pastor Niemoeller, a victim of the Nazis :

"First they came for the Jews and I did not speak out - because I was not a Jew.

Then they came for the communists and I did not speak out - because I was not a communist.

Then they came for the trade unionists and I did not speak out - because I was not a trade unionist.

Then they came for me - and there was no one left to speak out for me."

One of the most important ways in which many religious groups have already endeavored to contribute to the preventing and combatting of intolerance is by engaging with other groups in what is often called "constructive dialogue". There are many possible models for dialogue that have proved beneficial. A typical model involves an honest exploration of the common ground and the differences between those of different persuasions. The object is to explain, to understand, but not to try to convert others. Diversity is seen by this model as an accepted fact. By engaging in dialogue one re-affirms one's own identity but seeks a greater unity in diversity. Diversity can be a source of strength. It need not lead to discrimination and intolerance.

One immediately beneficial result of dialogue is that the groups concerned might agree to work on, or make joint statements concerning, social or human rights issues of particular concern to each of them such as refugees, hunger, peace or self-determination. It is not a necessary result of dialogue that this should occur. It might, and, if it does, it is likely to lead to further understanding. It is also possible that some continuing structure of cooperation and discussion may be created - a commission, a committee, a secretariat. Again this is not necessary, but may be useful. For example, such a structure could serve both as an early warning system for difficulties that might be in the course of arising between various religious communities and even as a forum to deal

with them should they come to pass.

Dialogue can and should take place at various levels. It can involve figures in the organized hierarchy of religious bodies which have a hierarchical structure. It can involve lay-people at the lowest grass-roots level of the system. The understanding that emerges is hard-won; creation of a favourable climate requires much time and the good faith efforts of many people.

Among the other efforts on which non-governmental organizations might work are :

(1) The celebration of commemorative days such as November 25, the date of the adoption of the 1981 Declaration.

(2) The holding of international, national and local conferences on intolerance of religion or belief.

(3) Encouraging professional bodies such as universities, and associations of lawyers, anthropologists, social psychologists, and community relations specialists to engage in relevant activities including conferences and research. Universities might be encouraged to create special departments or prestigious professorships devoted to a study of the issues.

4. The Print and Electronic Media

Ignorance, misinformation and downright prejudice may be generated as a result of the way in which the print, radio and television media approach those having an unusual religion, or none. Attitudes of intolerance may be created by the choice of what is reported, by the choice of what is not reported, by the way in which the material is presented, by the repetition of stereotypes whether verbally or through cartoon

"C"

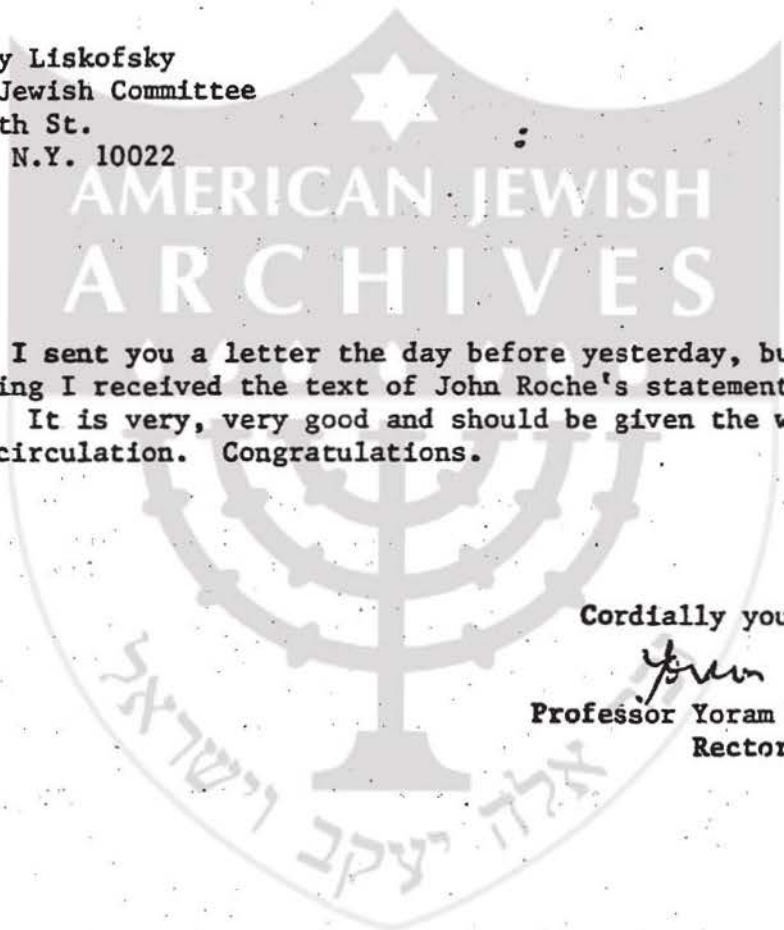
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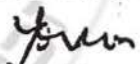
Mr. Sidney Liskofsky
American Jewish Committee
165 E. 56th St.
New York, N.Y. 10022
USA

Dear Sid:

I sent you a letter the day before yesterday, but this morning I received the text of John Roche's statement re Begun. It is very, very good and should be given the widest possible circulation. Congratulations.



Cordially yours,


Professor Yoram Dinstein
Rector

YD/bb

100-101010-10000

THE AMERICAN JEWISH COMMITTEE

date October 16, 1984
to Richie Maass
from Sidney Liskofsky

subject

Last year, the Blaustein Institute, under the formal umbrella of the Washington-based international Human Rights Law Group, sponsored a seminar of legal scholars to draft an appeal to the Soviet Procurator-General on behalf of Yosif Begun. The appeal was widely disseminated and publicized, including a formal statement at the UN Human Rights Commission in Geneva last spring.

It was again publicized last August through extensive coverage in the principal address of Professor John Roche, U.S. member of the UN Subcommittee on Discrimination and Minorities. How this came about is of interest: Last year, the Blaustein Administrative Council approved a modest \$2,000 grant toward the expenses of a "Fellow" to assist John Roche and John Carey, his alternate, with speech-writing, research and other chores. In view of the availability of several high quality applicants for this unique learning opportunity, we divided up the \$2,000 into two in order to make available two fellows. Both, fortuitously, were very knowledgeable about Soviet Jewry issues and one, in particular, about the case of Yosif Begun. The latter, in preparing a draft of John Roche's principal address before the Subcommittee, on the omnibus question of human rights violations, included a substantial segment of Yosif Begun, and on Soviet Jewry generally. Roche retained this segment in toto, thus presenting Subcommittee with the fullest exposition it (and any other UN body) had ever had on the case of Yosif Begun.

A copy of Roche's speech, copied from his marked up text, is attached.

Encl.

Rough Transcript of John Roche, U.S. expert on UN Subcommittee on Prevention of Discrimination and Protection of Minorities

August 1984 Session, Geneva

Mr. Chairman:

I shall not attempt a tour d'horizon. Mr. Whittaker has lucidly done so. But I want to make clear at the outset that I utterly reject the use of a moral double standard in approaching deprivation of human rights. I have no favorite butcher nor do I accept my Soviet colleague's promise that moral standards are subject to national jurisdictions -- a statement of ethical relativism so well formulated in 1970 by V.M. Molotov (who recently returned from the ranks of the "disappeared" to a position of honor in the U.S.S.R.) that "facism" -- as he put it -- is a matter of taste."

Thus, if we oppose repression in South Africa we should equally oppose it in the U.S. or the U.S.S.R. And when we condemn various nations for sustaining the vile practice of apartheid, we should not overlook, say Mozambique or Zimbabwe.

Obviously, we live in a diverse world, but there must be a certain agreed upon framework of where local customs (say, chopping off hands for larceny, slavery, ejecting poor refugees) and local laws lose their legitimacy in an international set of norms. If the people of "Ruritania" have for centuries murdered Romani gypsies, it is no defense in the international forum to say, "but that is an old Ruritanian custom and we cannot interfere in the internal affairs of Ruritania." ...

...for intervention by this body in the case of an American Peletier who is an alleged political victim. My response is that the U.S. should invite these Nobel laureates (perhaps including Andrei Sakharov, which would serve as a separate function) to visit Peletier (as Soviet journalists have done), to investigate the records in the case (which I think is still sub judice) and reach their own conclusions. All I request in return is similar Soviet openness. If there is nothing to hide, why not? As the Bible puts it, "the wicked flee where no one pursueth."

Now to specifics: It seems to me the violations before us fall into two major categories:

1. Situations in which a state is virtually powerless immediately to cope with a human rights problem, but does not provide legitimacy to it. For example, in India, there are perhaps 50 plus million Harijians -- untouchables. Through the efforts of Pandit Nehru and the great Heriyan leader Dr. Ambedkker, discrimination against "untouchables" was made a crime. Yet we know illegal acts, including murder, continue. Mrs. Gandhi does not condone them. But one can only have so many police and soldiers. There are so many demands for self-determination in Punjab, Northeastern Frontier, Kashmir, and now Suden Pradesh, that they can't be coped with at once.

The situation in Sri Lanka seems to me analogous. I would suggest that Turkey and El Salvador fall into this same category....

There are states, however, where deprivation of human rights is an aspect of public policy. We have heard enough of a somber epic of suffering today, so I will spare the odious details. Chile, South Africa and Iran will serve as one set of unaligned models, while the Soviet Union and its associates will serve as another. What can match the Soviet invasion of Afghanistan where the whole country has been turned into a "free fire zone"?

Internally in the U.S.S.R., I am distressed by the sad and deteriorating state of affairs for members of ethnic and religious groups in the Soviet Union who wish to exercise their rights to participate in religious and cultural activities of their group -- as guaranteed by a number of international conventions to which the U.S.S.R. is a party. This must be of special concern to this Sub-Commission given its mandate.

The case of Yosif Begun exemplifies one pattern of gross violations of human rights by the Soviet government against those of its Jewish population who wish to practice their religion and participate in Jewish cultural activities. For the third time, Dr. Begun, a Ph.D. mathematician, Hebrew teacher and Jewish cultural scholar, was in October 1983 tried and convicted on the basis of expression of opinions, writings and possession of written materials concerning the Jewish religion, culture and history. In a closed trial, held in prison, Dr. Begun was convicted of "anti-Soviet agitation and propaganda" and sentenced to 12 years of prison and internal exile (the maximum sentence). His treatment this year in the Perm Prison Camp has been particularly harsh. Denied personal visits with his wife and family, he was forced to resort to a hunger strike....

The Soviet government has declined to respond in a substantive manner to numerous appeals on Dr. Begun's behalf:

-- All 100 members of the U.S. Senate have signed a statement expressing concern over Dr. Begun's treatment. NO RESPONSE.

-- A number of NGOs have protested Dr. Begun's third conviction and previous extended incommunicado detention before this Sub-Commission and elsewhere. NO SUBSTANTIVE RESPONSE.

I am disturbed by reports in the international press that there is occurring a crack-down on Soviet Jews who wish to practice their religion, or engage in cultural pursuits in the U.S.S.R., and who have applied to emigrate to a place where they may freely do so. Dr. Begun's case is illustrative; Anatoly Shcharansky, who has already served some seven years in prison and internal exile because of his activities in the Jewish emigration movement, has recently been placed on "strict regime" in Chistopol prison and may face an extended sentence under a recently enacted law apparently designed to penalize, in particular, prisoners of conscience who do not "repent."

I regret the virtual cessation of Jewish emigration from the Soviet Union to Israel. Some nine years after the Helsinki Accords were signed by the U.S.S.R., establishing the principle of re-unification of families, hundreds of Jewish individuals and families have been waiting for exit visas under dire circumstances, including loss of employment and other punitive restrictions.

I request the Special Rapporteur on Current Trends and Developments in the Right to Leave and Return to Any Country, Including One's Own, Without Discrimination, Mbonga-Chipoya, to examine the subject of Soviet Jewish emigration as a case study.

Apropos of the Helsinki Accords, Yuri Orlov, the former head of the Helsinki Watch Group in Moscow, remains incarcerated for his activities on behalf of human rights.

Members of other ethnic groups in the Soviet Union, who have exercised their right to participate in cultural and religious activities, have not escaped increased repression by the Soviet authorities, among them Evangelical Protestants, Latvians, Crimean Tartars, Uniate and Lithuanian Catholics.

Finally, Mr. Chairman, what are we to make of the D.G.R.'s remarkable initiative to revive the slave-trade? At roughly \$50,000 a head the East Germans have been selling those who wish to leave to the F.R.G., a practice dating back more than 20 years. Does this not fall into the jurisdiction of our Working Group on Slavery?

I could continue this gloomy catalogue, but -- to revert to my initial taxonomic point -- I suggest that a line, often slightly fuzzy, can and should be drawn between states where human rights are by accident, or incompetence, violated and those which trample on human rights as part of their standard posture in this world, and in dealing with their own people.

Thank you, Mr. Chairman.

August 22, 1984

סג 7 (2) 11. 8. 84
**Soviet report of rights actions
is criticized before UN panel**

Human Rights Geneva

An official Soviet human rights report was bitterly criticized Wednesday by four dissident émigrés in a statement to the United Nations Human Rights Committee.

The Soviet report, submitted earlier this year, details alleged measures taken by the Soviet government over five years in compliance with a 1976 International Covenant on Civil and Political Rights. Western observers to a three-week session of the UN panel, nearing its end, called the re-

port a whitewash of the Soviet human rights situation.

A six-member Soviet delegation will answer questions from the UN committee today. Key areas of interest to the committee are the conditions in Soviet prisons and labor camps, practices in psychiatric clinics, and the treatment of religious groups.



Jerusalem Post, August 17, 1967, p. 2.

'Legal means needed to fight open racism'

The need to create legal tools to fight openly expressed racism was emphasized yesterday at a public discussion in Jerusalem sponsored by the Association for Civil Rights in Israel.

The Acri president, former Supreme Court justice Haim Cohn, called the day that Rabbi Meir Kahane became a Knesset member as "the modern Tisha Be'Av of the State of Israel." Kahane's success grants legitimacy to anti-Semites and racists, he added.

Cohn was critical of the chief rabbis for their silence on the matter.

Such silence gives comfort to those who present Judaism in an erroneous and contemptible light, he said. He called for an extensive educational campaign to keep young people from being attached to Kahane's ideology.

Professor Yehoshua Arieli, recently retired from the Hebrew University, said that organizations whose stated purposes contradict democratic principles and values should be declared illegal. The fear of using legislation for this purpose is a weakness of liberalism, he said. (Itim)

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Essays on Human Rights: Contemporary Issues and Jewish Perspectives. Edited by David Sidorsky. Philadelphia: The Jewish Publication Society of America, 1979. Pp. 359. \$12.00.

This collection of twenty-one essays can be divided into two parts on the basis of theme, but not on the basis of quality, which is uniformly excellent. The first thirteen were contributed mostly by scholars and leaders who have played a role in human rights affairs in the United Nations. The last eight are devoted to Jewish perspectives on human rights perspectives developed in Hebrew Scripture, early rabbinic literature, medieval speculation, and the modern Jewish experience. For me, the latter section held the most interest; yet, I must first comment on two excellent essays appearing in Part One.

Jerome Shestack and Shimon Shetreet both deal with the question of human rights in Israel. Shestack focuses on Israel's rule of the West Bank and Gaza; Shetreet evaluates freedom of conscience and religion in Israel. Undeniably sympathetic to Israel, these writers nevertheless agree on one sensitive subject: although a retreat from the West Bank poses a physical threat to Israel, expansion there poses a spiritual one.

In the second part of the book, Herbert Brichto and David Daube consider the biblical and rabbinic perspectives respectively on human rights. Brichto, free of glib apologetics, examines the very real problems of women's rights, slavery, *herem* (utter extirpation of peoples), etc. Understood in the context of the times, these problems can be at least partially resolved. The basic dignity of women is boldly asserted, e.g., in the stark phrase, "Male and female he created them," but Brichto admits that a practice such as *herem* must frankly be recognized as an inheritance from Israel's pagan past. Similarly, Daube shows that though the phrase "human rights" was not used in rabbinic literature, concepts such as *kevod haberiyoth* ("the honor of human creatures") and *mippene darke shalom* ("for the sake

of peace") served to preserve human dignity. By contrast, Jewish thought in the Middle Ages, according to S. D. Gottlieb, was more preoccupied with Christian and Islamic thought of the times.

Writing on the post-emancipation era, Jacob Katz maintains that secular liberalism, having achieved Jewish emancipation, was then rewarded with the significant influx of Jewish energy and support. Moreover, in espousing the liberal cause, Jews felt they were fulfilling the historical mission of their people: sensitizing the world to human accountability and to the absolute value of this life.

Salo Baron, however, points out that *political* emancipation meant little to Jews living in authoritarian Russia, Austria, and Prussia. In fact, traditional Jews were often *fearful* of political emancipation, because its liberal gentile proponents often assumed the total assimilation of the Jewish people as a consequence! A motto of the French Revolution was: "To Jewish individuals, all; to Jewish nation, nothing!" Even the Dutch Jews of Amsterdam objected in 1796 to the Declaration of Equality of Rights; how much more the Polish Jews who fasted and raised funds to prevent political emancipation in Poland! Jacob Talmon, in his essay on Antisemitism, lends Baron support by citing the many gentile champions of nineteenth-century liberalism who managed to be antisemitic. Unfortunately, nationalism was born twin to liberalism. But, says Baron, owing to growth in population (European Jewry doubled between the seventeenth and nineteenth centuries), the Jews needed their *civil* rights: the right to move to urban areas, the right to attend the universities, the right to diversify their occupations. Since civil and political rights were intertwined, the Jews eventually fought for both.

One cannot do justice to all the valuable insights of these essays. Let this review serve as sample, rather than summation.

Michael Zeik, Marymount College, Tarrytown, NY

Journal of Ecumenical Studies
Vol. 21, No. 2 / Spring 1984
Temple University (Phila.)

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International Committee for Palestinian Human Rights

Executive Secretary and
Co-ordinator for France :
Mme. Elisabeth Mathiot
6, rue Dupont des Loges
Paris 75007

5, rue Dupont des Loges - 75007 PARIS
Telephone : 555.10.23
555.01.49
551.02.81

Mrs Helen M. Kramer
Coordinator, Africa, Asia and the
Middle East

HUMAN RIGHTS INTERNET

1338 G. Street, S.E.

Washington DC 20003
U.S.A.



AMERICAN JEWISH
ARCHIVES

November 14, 1984

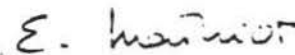
Dear Madam,

Thank you for drawing my attention to the very stupid mistake in our communiqué of October 31. This arose because words designating ethnic groups are always lower case in French ; what is particularly irritating is that Arabs should have appeared with a capital letter.

To make matter even more confused, the word "juifs" was printed with a capital letter in the French text, which is equally wrong !

We should hardly be involved in ethnic slurs of this kind when members of our French section are themselves Jewish.

Yours sincerely



Elisabeth Mathiot

IRI Human Rights Internet

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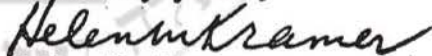
November 7, 1984

Mme. Elisabeth Mathiot
International Committee for
Palestinian Human Rights
5, rue Dupont des Loges
75007 Paris
France

Dear Madame:

We have just received your Communiqué of October 31, 1984 and wish to call your attention to the fact that your use of the lower case "j" to write the word "Jews" is likely to be viewed by the international community as an ethnic slur. We note that you have properly used the capital letter "A" to write the word "Arab." Capitalization of the words "Jew" and "Jewish" is universally accepted as correct usage, except among bigots who use the lower case to denigrate a people. If your use of the lower case was a typographical error, please accept our suggestion that someone proofread the texts before you send them to the public.

Sincerely yours,



Helen M. Kramer
Coordinator, Africa, Asia and
the Middle East

International Committee for Palestinian Human Rights

5, rue Dupont des Loges - 75007 PARIS

Telephone : 555.10.23

555.01.49

551.02.81

Executive Secretary and
co-ordinator for France :
Mrs. Elisabeth Mazhuz
5, rue Dupont des Loges
Paris 75007

Belgium :
Betty Leirens
33 rue Tollenaere
1020 Bruxelles

Britain
J. Reddaway, CMG, OBE
10 Woodsyre
Sydenham Hill
London SW 19

Italy
Pfr Valabrega
Via Teulie 20
20136 Milano

Australia
C. Graham
PHRC
Box 146
2040 Petersham

October 31, 1984

COMMUNIQUE

Israeli Jews attempting to defend the rights of
Palestinian Arabs are themselves subjected to intimidation
and, on occasion, to arrest.

Twelve members of the Israeli Committee for Solidarity
with Bir Zeit university were arrested and taken from
Dheisheh refugee camp on October 14 and 15. Members of the
anti-occupation committee were demonstrating against recent
harassment of camp residents by Israeli settlers and military
authorities.

Dheisheh camp was recently subjected to severe
restrictions by the military following a spate of stone-
throwing by refugees. The restrictions included a three-
day curfew and closure of eight entrances to the camp
leaving only two open. Settlers were given permission by
Defence Minister Yitzhak Rabin to run vigilante patrols
in front of the camp in an attempt to deter youths from
stoning passing Israeli cars.

On October 13, Knesset's member Matti Peled of the Progressive List for
Peace arrived at the camp with a delegation from his party. On the following
day, Gideon Spiro brought a group of members from the Committee for Solidarity with
Bir Zeit University and they demonstrated carrying anti-occupation signs.

According to Spiro, several camp residents gathered around the protesters
in a show of solidarity while settlers passing by on the main Hebron-Jerusalem
road yelled obscenities at them.

An hour after their arrival, border police came and ordered them to disperse.
Spiro refused and got into an argument with Bethlehem's military governor Hiam Aviv.
Spiro was arrested as a result and charged with participating in an illegal
demonstration, insulting the military governor by calling him "an occupation force"
and resisting arrest. He was released two hours later on IS100,000 bail.

The arrests suggests that the new Israeli coalition government is showing no
signs of softening its policy.

Please make this incident widely known and write a letter of sympathy to :

GENERAL Matti Peled
Member of the Knesset
Israeli Knesset
Jerusalem
Israel.

Gideon Spiro
Israeli Committee for Solidarity
with Bir Zeit University
P.O. Box 3742
Jerusalem
Israel.

Human Rights and Science and Technology

At the January 1984 meeting of the Blaustein Institute the Council requested staff to solicit possible project ideas on the effects on human rights of science and technology advances.

Attached are some general thoughts and possible project ideas from Alexander Kiss of the International Institute of Human Rights and Kathie McCleskey of the American Association for the Advancement of Science (AAAS). The letter of June 15 from AAAS is amplified upon in the June 20th letter from that organization.

The Council is asked for its expression of interest in any or all of the ideas suggested. Of course, the Council may itself recommend additional topics in this area on which appropriate proposals may be solicited.

June 1984



INSTITUT INTERNATIONAL DES DROITS DE L'HOMME

INTERNATIONAL INSTITUTE OF HUMAN RIGHTS

III. G.

fondé par / founded by
René CASSIN

Strasbourg, December 9,

Dear Sidney,

Thank you for your letter of October 3 which posed several questions about our proposed external session. After considering the issues you raise and the suggestion you also made, I would like to suggest that the proposal be modified for presentation in the following manner:

1. The session is to be scaled down from two weeks to one week.

2. The subject matter will concentrate on the human rights affected or threatened by scientific and technological advances and reorganized under three specific headings: right to life and personal security, right to privacy, and freedom of information.

Thus, in a major section on the right to life and personal security we would consider the topics of medical developments in both physical and mental health, genetic engineering and ecological alterations. Under right to privacy the subjects of data banks, space satellites (remote sensing) and other high technology issues would be addressed. Finally, under freedom of information, developments in communications and the media, including direct broadcasting, would be covered. In each case, the concern would be to discuss the scope of the right and how scientific and technological advances are either enhancing or threatening (or both) its enjoyment; with a major aim being to bring together scientific and technical persons with those working in human rights to better inform those actually engaged in producing scientific advances of the human rights concerns raised by their work.

3. It is to be hoped that some practical suggestions may come out of the session for incorporating human rights concerns not only in foreign assistance determinations but also in domestically funded projects of scientific merit.

4. As far as the organisation is concerned, the Institute would undertake to invite all the speakers, prepare the program, arrange for copying of papers to be presented and work with the publishers of the Human Rights Journal (Engel Verlag) for publication of the proceedings. We have an arrangement with Engel Verlag for publication of Institute research and meetings and it was through this forum that the proceedings of the Strasbourg meeting on economic and social rights was published. What we would hope for from you would be assistance in arranging facilities to hold the meetings and housing for the participants, perhaps both could be done through a local university or college.

If you agree on these premises, I could send you a revised draft program with the corresponding financial implications.

In the hope that you find this more appealing to your Council, I look forward to hearing from you again soon.

Mr. Sidney Lifskofsky
The Jacob Blaustein Institute
165 E. 56 Street
New York, New York
10022 USA

Alexandre KISS
Secretary General

1, Quai Lezay-Marnésia - 67000 STRASBOURG - France

Téléphone (88) 35.05.50 - Adresse Télégraphique: JURAHOMINIS: Cable Address

*American Association
for the Advancement of Science*

III. G.

1515 MASSACHUSETTS AVENUE, NW, WASHINGTON, D. C., 20005

Phone: 467-4400 (Area Code 202)

Cable Address: Advancesci, Washington, D. C.

15 June 1984

Mr. Sidney Liskofsky
Executive Director
Jacob Blaustein Institute for the
Advancement of Human Rights
165 E. 56th Street
New York, New York

Dear Sidney:

Thank you very much for your attendance at our recent AAAS Clearinghouse workshop on scientists and human rights. From the comments we have received, both speakers and participants enjoyed the lively exchange of ideas and strategies during both the morning and afternoon sessions.

Presently we are reviewing workshop recommendations for possible future implementation by either the AAAS clearinghouse or its affiliates. For your information, I have outlined below some suggestions from the workshop.


- o Robert Lawrence, Director of Primary Medicine, Harvard Medical School, in his talk on Africa and human rights, presented the idea of a scientific mission of enquiry to Africa. Thus far no major scientific organization has sponsored a mission of enquiry to Africa. Lawrence mentioned the case of Dr. Kamoji Wachiira, a biogeographer detained without charges since July 1982 in Nairobi. Although Dr. Wachiira's detention was initially linked to student unrest at Kenyatta University, a May 1983 article in New Scientist stated his arrest stemmed more from his stated criticism of the environmental policies of the Kenyan government.
- o Thomas Eisner, Chair, AAAS Subcommittee on Science and Human Rights, in his remarks to the workshop participants, suggested the establishment of a lecturership in human rights and scientific freedom in the United States. Persons knowledgeable of the issues of human rights and scientists would present lectures at various U.S. universities. Eisner's idea was to enkindle the interest of younger American academics in taking up the cause of human rights on an individual basis or through their scientific societies.

- o Other workshop participants suggested the compilation of information presented at the workshop by clearinghouse affiliates and individual scientists, into a brief manual. A case study approach could be used to emphasize the difference in human rights and scientific issues within various geographic areas, as well as in different political systems.
- o Eisner also suggested that the issue of emigree scientists be examined. What problems face the foreign scientist upon arrival in a host country? How well or how poorly have emigree scientists fared? What approach to this issue should be taken by scientific societies? One study approach was suggested of conducting oral history interviews with a small group of emigree scientists. These scientists could be identified with the assistance of clearinghouse affiliates or through the appropriate committees of the International Council of Scientific Unions.

I have only listed a few preliminary recommendations to come out of the clearinghouse workshop. Each recommendation could be considered a future mini-project sponsored by the AAAS or a clearinghouse affiliate. Would the Jacob Blaustein Institute be interested in considering any of these projects for future funding?

Thank you for your consideration of this matter. I look forward to hearing from you.

Sincerely,


Kathie McCleskey
Program Associate
AAAS Clearinghouse on Science
and Human Rights

*American Association
for the Advancement of Science*

1515 MASSACHUSETTS AVENUE, NW, WASHINGTON, D. C., 20005

Phone: 467-4400 (Area Code 202)

Cable Address: Advancesci, Washington, D. C.

20 June 1984

Mr. Sidney Liskofsky
Executive Director
Jacob Blaustein Institute for the
Advancement of Human Rights
165 E. 56th Street
New York, New York

Dear Sidney:

Upon review of my letter of 15 June, I thought that I should amplify a bit on the proposals outlined in the letter. I've jotted down some additional details below.

- ...With regard to Bob Lawrence's idea of a mission of enquiry to Africa, no major scientific group has sponsored a mission on enquiry to this area. Although the AAAS Clearinghouse has sponsored mission of enquiry on behalf of individual scientists on three occasions to Latin America, Africa has never been the focus of a mission. The usual procedure is to appoint a delegation of two eminent scientists and one staff person, and to arrange beforehand and with the cooperation of the U.S. State Department, appointments with government authorities, family members, U.S. Embassy personnel and scientific colleagues in the country in question. Kamoji Wachiira, a Kenyan biogeographer is the strongest case of concern in Africa that the Clearinghouse monitors. Since his still unexplained detention without charges in 1982, both the AAAS and the National Academy of Sciences has monitored and enquired about his situation with no success. Both the AAAS and the National Academy of Science might be considered as sponsors for a mission of enquiry on his behalf, provided financial backing for the mission was obtained.
- ...With regard to the lecturership on human rights and scientific freedom, an eminent scientist/human rights advocate, such as Lipman Bers or Sidney Drell or others would be appointed to present two or three lectures at U.S. universities or other appropriate fora. The subject of their lectures would be human rights of foreign scientists and engineers, and the issues of scientific freedom and responsibility faced by these scientists. Tom Eisner's idea was to enkindle the interest of younger American scholars by tapping on the years of experience and expertise of elder American scholars and scientists who are strong human rights advocates. These

Liskofsky
Page Two
20 June 1984

older scientists could encourage the involvement of younger scientists in human rights work on an individual basis or through their scientific societies.

...With regard to the production of a manual on human rights strategies for individual scientists and scientific societies, the recent AAAS workshop held at our annual meeting pointed out the diversity of human rights problems faced by scientists in different areas of the world and the variety of opinion as to how best address these problems. In order to, first of all, put down the many ideas and strategies expressed at the meeting, it was thought to be a good idea to produce a brief manual. Second, in order to explain the different approaches taken with regard to different political systems and geographic areas, a case study approach for the production of the manual was suggested. In this manner, the problems faced by Central American scientists can be focused on, as well as the problems faced by Asian, African and Soviet and Eastern bloc scientists. The manual would be used by individual scientists and scientific groups in their human rights advocacy.

...Eisner's idea of the study of emigre scientists would be to produce, once again, written material or evidence of the problems confronting emigre scientists both in the U.S. and in other countries. This issue has never been examined, as far as we know. The oral history approach would be utilized, to provide the raw material for a subsequent short brochure. To lend an international perspective to the subject, Canadian and European scientific counterparts would be asked to identify candidates for interviews. The project would be organized by the Clearinghouse.

I hope that my additional remarks are useful. Thank you once again for your attendance at the AAAS workshop on scientists and human rights.

Sincerely,

Kathie McCleskey
Kathie McCleskey

Program Associate
Clearinghouse on Science
and Human Rights
American Association for the Advancement
of Science

cc: Eric Stover
Jeannette Wedel

THE JACOB BLAUSTEIN INSTITUTE FOR THE ADVANCEMENT OF HUMAN RIGHTS



THE JACOB BLAUSTEIN INSTITUTE FOR THE ADVANCEMENT OF HUMAN RIGHTS

Administrative Council Meeting
July 11, 1984

Summary of Major Decisions

- Page 2 TERMS OF OFFICE FOR ADMINISTRATIVE COUNCIL. Adopted a change in the By-Laws with respect to the terms of office of the chair and the members-at-large who are now to serve a three-year term and not more than two three-year terms.
- Page 3 SURVEY OF PALESTINIAN WOMEN IN THE OCCUPIED TERRITORIES. Allocated \$12,000 and authorized a subcommittee to proceed with the grant provided that it was satisfied that the study could be carried on in accordance with the Council's directions. Subsequent to the July 11th meeting, the project was put into motion.
- Page 4 PROPOSAL ON KEEPING THE RECORD STRAIGHT (COUNTER REPORTS TO GOVERNMENT REPORTS.) Allocated \$15,000 to International League for Human Rights for its program of critiquing government documents which report on the country's adherence to human rights principles in international law or treaties.
- Page 4 "SOVIET DISSIDENTS, THEIR STRUGGLE FOR HUMAN RIGHTS." Approved a grant of \$2,000 to support the preparation of a new edition of Joshua Rubenstein's volume tracing the history of the Soviet dissident movement.
- Page 5 CZECHOSLOVAKIAN HUMAN RIGHTS MOVEMENT (CHARTA 77). Approved a grant of \$9,000 to the Charta 77 Foundation for two projects which together will provide a history of the human rights movement in Czechoslovakia.
- Page 6 RELIGIOUS INTOLERANCE. The Council gave its general approval to the project for which it had already allocated \$25,000. It requested the formation of an advisory group to consult on the specifics of the project with the project director. The advisory group was given the authority to proceed with the project when it was satisfied that its concept met the criteria of the Council.
- Page 6 CONFERENCE ON RELIGION, ETHNICS AND NUCLEAR DEFENSE (Columbia University). Did not allocate funds for the proposed conference.
- Page 7 HISTORY OF LIBERTY AND HUMAN RIGHTS. The Council did not provide a grant at this time for this particular project but did not formally approve or disapprove it.
- Page 8 HUMAN RIGHTS AND SCIENCE AND TECHNOLOGY. Reserved \$10,000 for work in this field to be utilized to explore the subject with a view toward the presentation of project ideas to a future Council meeting.

The American Jewish Committee

THE JACOB BLAUSTEIN INSTITUTE FOR THE ADVANCEMENT OF HUMAN RIGHTS

Meeting of the Administrative Council
Wednesday, July 11, 1984

Summary

Present

Richard Maass, Chair
Mimi Alperin
Morton K. Blaustein
Donald M. Blinken
Thomas Buergenthal
Bertram H. Gold
David M. Gordis
Rita Hauser
Barbara Hirschhorn
David Hirschhorn
Charlotte G. Holstein
Rita Kaunitz
Leo Nevas
Arthur E. Roswell
Elizabeth Roswell
Jerome J. Shestack
Jane Wallerstein

Staff

Selma Hirsh
Sidney Liskofsky
Phyllis Sherman
Marc Tanenbaum
William Trosten

Absent

Morris B. Abram
Howard I. Friedman
E. Robert Goodkind
Howard L. Greenberger
Philip E. Hoffman
Robert S. Jacobs
Robert S. Rifkind
David Sidorsky
John Slawson

I. ADMINISTRATIVE MATTERS

Financial Report

The meeting opened with a summary by Phyllis Sherman of the Institute's finances. Referring to the financial schedules that had been sent to the Council in advance of the meeting, she reported that total funds carried forward from 1983 amounted to \$148,766. Investment income for 1984 was projected at \$115,000. This projection is less than the 1983 actual income because it is expected that the market will not be as favorable in 1984. Expenses for 1984 were projected at \$189,458, leaving an excess of income over expenses of \$74,308

through 12/31/84. The total available funds for 1985 are estimated at \$189,308, less \$30,000 fixed expenses, leaving a total available through 1985 of approximately \$159,308.

David Hirschhorn asked whether the projected expenses for the Human Rights and Latin American Jewry Conference (\$2,735) would actually be expended in 1984. Mrs. Sherman responded that it was unlikely that the total would be utilized. However, the coordinator of the conference has indicated to us that there may still be some outstanding expenses. Therefore, we have carried the amount forward until we are certain that no further bills will be forthcoming. (See attachment A for Budget and Expenses as of 9/84.)

Terms of Office for Administrative Council

Phyllis Sherman outlined the recommended changes in the By-Laws with respect to the terms of office of the Council and its members-at-large. Under the existing By-Laws, the chair and the members-at-large serve a two-year term and not more than two successive two-year terms. The new terms of office recommended to the Council were: one three-year term and not more than two successive three-year terms.

Mrs. Sherman explained that under the new plan the chair and the members-at-large who are serving their second terms would have their terms extended two years, giving them a total term of six years. All members who are serving their first term would have the term extended for one year, giving them a three-year term of office to which they may be reappointed for a second three-year term.

The longer terms of office, she said, would allow Council members to become better acquainted with the work of the Institute, and the complicated issues with which it deals, and would provide better continuity for the Institute.

The Council, on motion made and seconded, unanimously adopted the recommended change in the By-Laws with respect to the terms of office of the chair and the members-at-large. (See attachment B.)

II. FOLLOW-UP OF ONGOING PROJECTS

The Council received in advance of the meeting a summary of recent activities of the Institute. Mr. Maass called for questions on the report. Dr. Morton Blaustein asked if any of the projects were "in trouble." Sidney Liskofsky said that the study of the policy of NGOs by Lowell Livezey is late. We have followed up with Dr. Livezey who has promised that he will have the study completed for us within a couple of months. Since our grant to him, he has obtained other grants, including one from the Ford Foundation, and the project has expanded much beyond our original request to Dr. Livezey.

Also somewhat behind schedule is the volume of readings on human rights for college students being prepared by Professor Claude. He tells us the volume will be finished by the end of the summer. Houghton Mifflin has expressed interest in publishing it.

David Hirschhorn then asked about the \$7,200 that had been allocated for the preparation of a proposal to counter the campaign to delegitimize Israel in the UN. Phyllis Sherman responded that \$500 of the \$7,200 is to be applied as a stipend for an intern who has prepared documentation of anti-Semitic statements in UN records. The remaining amount (\$6,700) would be applied to the funds requested for the proposed Survey of Palestinian Women -- should the Council approve it.

III. NEW PROPOSALS

Survey of Palestinian Women in the Occupied Territories

The Council then opened its discussion on the merits of the proposal by Mala Tabory for a Survey on Palestinian Women in the Occupied Territories and a comparative study on Arab women. Rita Hauser expressed concern about the study's methodology and its objectivity. She thought that preparation of the study might help to further politicize the Nairobi Conference.

As to the study's objectivity, Barbara Hirschhorn cautioned that the Institute should not cast itself in the role of apologist for Israel. The study should therefore be conducted so as to point out not only Israel's positive treatment of Palestinian women in the "occupied" territories but also any negatives. The study should be prepared so as to contribute to possible remedies of any deficiencies.

As the discussion progressed, it became clear that the Council preferred to have the researcher first focus her attention on a point-by-point response to the UN Secretary-General's Report on the subject with additional materials (data) as might be necessary to fill in omissions and to balance the Report.

Mimi Alperin suggested that the data should include comparison of Palestinian women with Israeli women where this was appropriate.

Messrs. Nevas, Buergenthal and several other members of the Council expressed the view that a point-by-point response to the Secretary-General's Report was needed since, to their knowledge, no other group -- government or volunteer -- was undertaking such an analysis. Moreover, the majority of the Council members thought that it would be useful also to the attendees at the Nairobi Conference. There are already signs that the conference will be politicized. Our data would be available to refute any unfounded charges which are likely to be made against Israel at that conference or subsequently.

The Council agreed that a subcommittee should meet with the researcher, Mala Tabory, to discuss methodology and the Council's view about the necessity for objectivity. The Council decided to allocate \$9,000 for expenses and stipend for the researcher and an additional \$3,000 to be reserved for publication and distribution -- total grant \$12,000 -- \$6,700 of which is to be expended from funds previously allocated to the project to counter the Campaign to Delegitimize Israel in the UN of which the study on Palestinian women is a part. The subcommittee was authorized to proceed with the grant if it is satisfied that the study will be carried on in accordance with the Council's direction.

Mr. Blinken said that he would be meeting with Kenneth Bialkin of ADL and would discuss with him whether ADL or any other Jewish organization was preparing such material. [Mr. Blinken informed staff after the Council's meeting that Mr. Bialkin had expressed great enthusiasm about having the material. He indicated that as far as he knew nobody was undertaking a point-by-point response to the Secretary-General's Report. A meeting was held with Mala Tabory on July 18 and the project was put into motion. See attachment C.]

Proposal on Keeping the Record Straight (Counter Reports to Government Reports)

Mr. Maass explained that in 1982 the Jacob Blaustein Institute had proposed to the International League for Human Rights the preparation of critiques of official government human rights reports to treaty-monitoring committees. The JBI provided two grants to the League for this purpose -- \$5,000 in 1982 and \$10,000 in 1983. The record to date of the project has been impressive. The League, based on a two-year experience has expressed its desire to expand the program. It has requested a grant from the JBI for July 1984-85 in the amount of \$10,000-\$15,000 for this purpose.

In the discussion on the proposal, Mr. Liskofsky and several members of the Council said that they viewed the program as very worthy of the JBI's continued support. The Council was in general agreement; the only issue was the amount to be allocated. After some further discussion, The Council, on motion made and seconded, decided to allocate \$15,000 -- a \$5,000 increase over its last grant -- to the International League for its program of critiquing government documents which report on the country's adherence to human rights principles in international law or treaties. The grant to the League is to run from July 1984 to June 1985.

"Soviet Dissidents, Their Struggle for Human Rights" (Joshua Rubenstein)

Joshua Rubenstein had asked the Jacob Blaustein Institute to support the preparation of a new edition of his book which was originally published in 1980. The book has been used in a number of college-level courses. Mr. Rubenstein plans to update the volume through interviews with individuals from the Soviet Union who have arrived in the United States in recent years and has requested \$2,000 from the JBI to complete the revisions.

Messrs. Nevas and Shestack spoke in favor of the project, pointing out that Mr. Rubenstein is an acknowledged scholar and historian of the Soviet human rights movement and that the revisions would be particularly appropriate in view of the severe crisis now facing the movement. The book would be an invaluable resource, they pointed out, to help bring before the public the issue of human rights and Soviet Jewry.

After brief discussion, the Council, on motion and seconded, approved a grant of \$2,000 for the project as outlined above.

Czechoslovakian Human Rights Movement (Charta 77)

Charta 77, the Swedish-based foundation of the Czechoslovakian human rights movement, had requested JBI support of two projects which together provide a history of the human rights movement in Czechoslovakia. The first project involves the autobiographical notes of a human rights advocate still living in Czechoslovakia who describes his experiences from World War II to the present time. The funding request was for \$3,000 to \$3,500 per year for two years (total \$6,000-\$7,000).

The second project involves the completion and editing of a manuscript on the origin and meaning of human rights. The manuscript was written in 1979 by a Czech member of the Charta 77 movement and is to be published by a European publishing firm. The grant requested was \$2,500.

The Council was very interested in helping to provide a history of the human rights movement in Czechoslovakia. A question was asked about whether the Institute might be endangering the lives of the grant recipients by supporting the project. It was pointed out that Charta 77 would seek funds for this purpose from another source if the JBI decided not to provide them. Moreover, if the JBI decided to provide the grants, its funds would be funneled directly to the Charta 77 Foundation in Sweden which would disperse them as indicated in its proposal. Charta 77 is a recognized human rights foundation with an excellent reputation. Its director was introduced to Sidney Liskofsky by Helsinki Watch.

After discussion, and on motion made and seconded, the Council approved both projects. The total allocated for the projects was \$9,000. The first project is to be funded at the rate of \$3,250 per annum for two years and the second for \$2,500 for one year. The grant is to be made with the understanding that the histories are to be translated into English and that the funds are to be paid to the Charta 77 Foundation in Sweden for dispersal by that organization.

Religious Intolerance (Temple University)

The Administrative Council at its last meeting had before it a memorandum on the projected UN study of religious intolerance. The JBI at that time, and at previous meetings, had decided that the Institute should give high priority to the development of a proposal, or proposals, which would contribute to the UN study and to the understanding of the concepts in the Declaration on Religious Intolerance. The projects undertaken with support of the JBI Institute were to address the problem beyond the UN study.

Staff has been exploring various approaches to the subject with a number of knowledgeable persons within and outside of AJC. Of late, Mr. Liskofsky has been working with Dr. Swidler of Temple University whose most recent proposal was sent to the JBI several days in advance of this meeting.

In this proposal, Dr. Swidler has identified three major categories of religious intolerance, that is nation against nation, within nations, and within

religions. He suggests that one should study these forms as "models" and in the context of the first world, second world and third world. Dr. Leonard Swidler's project deals primarily with "root causes" and with "remedial action" (with emphasis on interreligious dialogue). Mr. Liksofsky told the Council that he thought there was further need for discussion with Dr. Swidler on a number of matters in the proposal, including the criteria for selection of the "model" cases.

Several members of the Council expressed the view that the case studies should be of situations which are currently high on the agenda of international bodies, for example, Latin America. Moreover, some members of the Council thought that consideration should be given to the political, psychological and social dimensions of the problem.

In general, the Council agreed that the proposal should be refined so that it would deal adequately with the subject from the point of view of the UN study, including legal issues, and so that it also would contribute to the promotion of the concepts and principles in the Declaration.

The cosponsoring institute, Temple University, was thought to be a good auspices, providing that a suitable proposal can be arrived at in consultation with Dr. Swidler.

The Council asked staff to continue its consultations with Dr. Swidler and it gave its general approval to the project to which it had already allocated \$25,000. It requested the formation of an advisory group to consult with Dr. Swidler or others as appropriate. The advisory group would have the authority to proceed with the project when it was satisfied that the concept met the criteria of the Council.

In the course of the discussion on the project, David Hirschhorn raised the issue of religious tolerance within Israel. He made the point that the subject was a very important one which, while it might not be an appropriate topic for the JBI, especially with respect to this project, should be tackled head on by the AJC. Several other members of the Council seemed to share Mr. Hirschhorn's view on the matter.

Religion, Ethics and Nuclear Defense

A conference on this subject to be held at Columbia University was proposed by Dr. Louis Henkin. Dr. Henkin requested a grant of \$25,000 from the JBI for the conference expenses -- papers, etc.

The Council after some discussion decided not to allocate funds for the proposed conference. Its decision was based on several factors. The Council took cognizance of the fact that the subject has been studied by a wide variety of auspices -- religious (Jewish and non-Jewish), academic and civic groups, including AJC. The Council thought that the Institute's limited funds could be better utilized in projects central to its priority concerns. The issues and the context in which they were to be addressed in the Henkin proposal did not seem to meet this criterion.

Several members of the Council expressed a special desire to maintain the close relationship which has been established with Dr. Henkin. The Council noted that it looked forward to future collaborations with him on other matters.

History of Liberty and Human Rights

Karel Vasak requested \$20,000 from the JBI for a meeting to be held in Madrid in December 1984 which would be the first stage of the publication in 1989 of a four-volume "History of Liberty and Human Rights in the World." The history would be the first project of an International Academy of Human Rights which Karel Vasak proposes to create.

The discussion on the proposal focused on three major concerns: First, the International Academy of Human Rights is still in its gestation period and it is not clear at this time whether it will in fact come into existence. It was reported that some monies for it had been obtained from Armand Hammer. The Academy's future, however, was still uncertain, as was the precise form it would take, and the personalities who would be associated with it.

The second concern centered on the project itself. While several members thought that such a history would be valuable, others were of the view that similar histories were being written, or had been written in the past, and that a new one might not contribute much to the knowledge of the field. The Council did note, however, that Karel Vasak's work is of unusually high caliber and therefore that this project would be distinguished by his directorship of it.

Third, the Council was concerned that Mr. Vasak's career plans were in a state of flux and that this might affect his ability to carry the project forward.

The Council, however, expressed great interest in continuing its excellent relationship with Mr. Vasak whom they recognized as an important figure in the field of human rights. While not supporting this project at this time, the Council members said that they would be glad to give consideration to future proposals from Mr. Vasak as the Academy's future and his own plans are nearer definition.

The Council asked staff to convey the sentiments expressed above and to indicate to Mr. Vasak that the Council would not provide a grant at this time for this particular project. But it did not formally approve or disapprove the project.

Human Rights and Science and Technology

The Administrative Council was presented with several ideas for possible projects on the subject of ethical concerns and human rights in the new era of technology, but it was not asked for a final decision on any of them. It expressed interest in the topic and had a number of suggestions as to possible approaches to it. The Council recognized that issues of technology and human

rights were of interest worldwide. These matters could be approached globally or the JBI Institute could pick topics that are of special Jewish concern or those which might be approached uniquely from a Jewish perspective.

Bert Gold suggested that we might initially commission a bibliography on the subject. Another suggestion was that we might commission someone, such as Alvin Toffler, to do a survey of the field which would help us to determine where we could make a special contribution. One Council member spoke for a project that would be particularly applicable to the United States, either in addition to the Jewish perspective, or instead of it.

Phyllis Sherman thought that the subject should be approached not only from a Jacob Blaustein Institute perspective, but also from an AJC perspective. She noted that the Jewish Communal Affairs Department was already dealing with certain aspects of the problem but the issues cut across many of our concerns -- civil liberties, etc. She wondered if we might consider instituting within AJC a staff task force of an interdepartmental nature to take a look at the problem. The Jacob Blaustein Institute might then take the recommendations of the task force into consideration in developing its specific areas of concentration.

It was finally agreed that a subcommittee of the Jacob Blaustein Institute should be formed to explore the subject and to come up with project ideas which would be presented at a future meeting of the Council. The Council reserved \$10,000 for work in this field. It was understood that the \$10,000 was neither a minimum nor maximum amount but rather a pool which might be utilized, if necessary, for the preparation of a proposal, or proposals.

IV. PUBLIC RELATIONS FOR THE JBI

The Council, having acted on the proposals before it, then turned to a consideration of how the Jacob Blaustein Institute's work might be made better known within AJC, as well as outside of it. Several suggestions were made as to how its programs might be integrated into AJC's chapter work, including holding regional meetings around AJC's human rights concerns. The efforts of the Jacob Blaustein Institute would be used as a basis for the agenda of these meetings.

The discussion about visibility for the Institute stemmed not only from public relations concerns, but also from concern about the best use of the important work of the Institute, including its publications. It was felt that we should begin by creating greater knowledge about the Institute in AJC as, for example, when the JBI was highlighted at the NEC session at Constitution Hall in Philadelphia.

THE JACOB BLAUSTEIN INSTITUTE FOR THE ADVANCEMENT OF HUMAN RIGHTS

Summary of Income and Expenses
1983-85

| | Actual 1983 | Projected 1984 | Projected 1985 |
|--|----------------|-------------------|-------------------|
| Funds Carried Forward from Previous Year | 145,196 | 148,766 | 99,057 |
| Investment Income | 121,290 | 115,000 | 115,000 |
| Total Funds Available | 266,486 | 263,766 | 214,057 |
| Expenses | (117,720) | (164,709) | 94,014* |
| Excess of Income Over Expenses (Carryover to Next Year) | 148,766 | 99,057 | 120,043* |

* This figure includes \$63,314 representing only 1984 and prior budgeted projects which have expenses projected into 1985; plus \$30,700 in fixed 1985 expenses (staff, administration and travel). It does not, therefore, take into account new projects which may be approved for 1985.

THE JACOB BLAUSTEIN INSTITUTE FOR THE ADVANCEMENT OF HUMAN RIGHTS

Current Projects -- Budget and Expenses 1984-85

| | Bal. Carry Forward 12/31/83 | Budget 1984 | Budget 1985 | Total Funds Available | Actual Expenses 1/1-8/1/84 | Projected Expenses 8/1-12/31/84 | Projected Expenses 1985 |
|---|-----------------------------------|----------------|----------------|-----------------------------|----------------------------------|---------------------------------------|-------------------------------|
| Assn. for Civil Rights in Israel | - | 12,500 | - | 12,500 | 9,375 | 3,125 | - |
| Charta 77 Foundation (Proj. 1) | - | 6,500 | - | 6,500 | - | 1,624 | 4,876 |
| Charta 77 Foundation (Project 2) | - | 2,500 | - | 2,500 | - | 1,100 | 1,400 |
| Constitutional Law & Human Rights | 1,500 | - | - | 1,500 | 1,500 | - | - |
| Counter Action Campgn. to Delegit. Israel | 7,200 | 5,300 | - | 12,500 | 3,062 | 3,000 | 6,438 |
| Counter Reports - Critiques (Int. League H.R.) | 5,000 | 15,000 | - | 20,000 | 5,000 | 9,000 | 6,000 |
| Fellow to U.S. Member UN Subcom. on Minorities | - | 2,000 | - | 2,000 | 2,000 | - | - |
| Guide to Soviet Criminal Law & Procedure | - | 1,000 | - | 1,000 | - | 1,000 | - |
| Human Rights Education Projects Coordination | 2,000 | - | - | 2,000 | - | 2,000 | - |
| Human Rights Education - Europe (Int. Inst. H.R.) | 2,500 | - | - | 2,500 | - | 2,500 | - |
| Human Rgts. - Latin Am. (Inter-American Inst.) | 5,000 | - | - | 5,000 | 2,500 | 2,500 | - |
| Human Rights Ed. - U.S. (UCLA) | 6,800 | - | - | 6,800 | 6,800 | - | - |
| Human Rts. & Lat. Am. Jewry Conference | 2,735 | - | - | 2,735* | - | - | - |
| Humanitarian Law Seminar (NYU & ICRC) | 2,000 | - | - | 2,000 | 2,000 | - | - |
| Index on Censorship (W.S.E.T.) | 5,000 | - | - | 5,000 | 5,000 | - | - |
| Interns for Peace | 5,000 | - | - | 5,000 | 5,000 | - | - |
| JBI Pamphlet Series | 2,791 | 4,000 | - | 6,791 | 780 | 6,011 | - |
| Legal Briefs | 17,471 | - | - | 17,471 | 12,172 | 5,299 | - |
| NGO Policy Study | 3,000 | - | - | 3,000 | - | 3,000 | - |
| Practice Manual on Hum. Rgts. Law | 3,000 | - | - | 3,000 | 1,050 | 1,950 | - |
| Religion and Human Rights (Columbia) | 5,302 | - | - | 5,302 | - | 5,302 | - |
| Religious Intolerance | 25,000 | - | - | 25,000 | - | 10,000 | 15,000 |
| Right to Leave: Uppsala Revisited | - | 25,000 | - | 25,000 | 10,000 | 5,000 | 10,000 |
| Sakharov Fellowship | - | 10,000 | - | 10,000 | - | - | 10,000 |
| Science & Technology and Human Rights | - | 10,000 | - | 10,000 | - | 1,000 | 9,000 |
| Soviet Dissidents..., Volume on | - | 2,000 | - | 2,000 | - | 1,400 | 600 |
| Strasbourg Fellowships | - | 2,500 | - | 2,500 | 2,500 | - | - |
| Travel Expenses JBI Staff | 459 | 700 | 700 | 1,859 | 229 | 930 | 700 |
| Administration | - | 10,000 | 10,000 | 20,000 | 5,830** | 4,170** | 10,000 |
| Staff | - | 20,000 | 20,000 | 40,000 | 11,660 | 8,340 | 20,000 |
| | 101,758 | 129,000 | 30,700 | 261,458 | 86,458 | 78,251 | 94,014 |

* Project completed under budget; balance (\$2,735) returned to available funds

** Estimated

III. STRUCTURE

A. The Institute shall be governed by an Administrative Council composed as indicated under IV, below,

B. The Institute shall operate as an arm of The American Jewish Committee. The implementation of its activities shall be under the direct supervision of the Executive Vice President of the Committee with members of its staff serving as Director and Coordinator of The Institute.



IV. THE ADMINISTRATIVE COUNCIL

A. The Administrative Council shall consist of the following categories of members:

- 1) At least two representatives of the Blaustein Family.
- 2) The President of The American Jewish Committee.
- 3) The Executive Vice President and the Executive Vice Presidents Emeriti of The American Jewish Committee.
- 4) The past Chairpersons of the Administrative Council.
- 5) Twelve members-at-large.

B. The members-at-large shall be appointed by the Chairperson of the Administrative Council of The Institute in consultation with the President and Executive Vice President of The American Jewish Committee. Members-at-large shall be appointed for a period of three years and for no more than two successive terms. The term of office shall begin at the June meeting of The Institute.

C. The Chair of the Administrative Council shall be appointed by the President of The American Jewish Committee in consultation with the representatives of the Blaustein Family and the Executive Vice President of The American Jewish Committee. The Chairperson shall be appointed for a term of three years and for no more than two successive terms.

D. The Administrative Council shall meet twice a year -- in the spring and in the winter.



V. THE STEERING COMMITTEE

A. A Steering Committee of The Institute shall advise the Administrative Council. It shall be authorized to meet, as deemed necessary, between the meetings of the Administrative Council. It shall be empowered to screen project proposals and to make decisions on proposed projects which in its judgment

THE JACOB BLAUSTEIN INSTITUTE FOR THE ADVANCEMENT OF HUMAN RIGHTS

Meeting on Study in Response to Secretary-General's Report
and Study of Arab Women

July 18, 1984

STUDY GUIDELINES

Present: Mimi Alperin, Kenneth Bandler, Sidney Liskofsky, Phyllis Sherman,
Mala Tabory

1. Point-by-Point Response to Secretary-General's Report

Ms. Tabory will first undertake the point-by-point response to the Secretary-General's report in as objective a manner as possible (See 3 - Methodology).

As the information (data) is gathered and analyzed by the researcher, polished drafts of the point-by-point response to the Secretary-General's report will be sent to the Blaustein Institute. The researcher has indicated that she would find feedback on the drafts useful to the progress and direction of the research.

Material will be added on points not covered by the Secretary-General's report where this is found to be useful, especially that which relates to Palestinian women in the "occupied" territories, but also possibly including information on women in Arab countries. Target deadline for a final draft of the point-by-point response is February 1985. This draft will be submitted in a suitably edited form for publication or other public uses.

2. Study of Arab Women in Arab Countries and in Israel (Where Relevant)

The comparative study of the overall status and cultural milieu of women in Arab countries will be selective -- not exhaustive -- depending on the material that is available.

Sections of this study (individual subtopics) will be submitted to the Jacob Blaustein Institute as they are readied.

Target date will be the deadline for submitting material for the NGO-Nairobi meeting (date not yet known). It is expected that a first "polished" draft of the full study will be readied no later than May 1, 1985. (It is further understood that the study may be enlarged or elaborated beyond the needs of the Nairobi Conference if sufficient additional material is available and there is interest in having the researcher do so.)

3. Methodology

The study will strive for objectivity and will include both positive and negative aspects of the subject with sources cited. It will present conflicting sources only for data where no definitive analysis can be

(over)

made. The study will, of course, have to rely on data available and on the cooperation of individuals with firsthand knowledge of the situation, both Israeli and Arab.

4. Auspices

Decision as to the auspices for the publication and dissemination of the study, or its parts, will be made by the Blaustein Institute in consultation with the researcher at a later date when the study is well underway. In the interim, the following possibilities should be explored: Blaustein Institute, AJC, non-Jewish women's groups, a social work group, a university, Israeli government, U.S. delegation and/or other government delegations, or any combination of the above.



THE AMERICAN JEWISH COMMITTEE

date December 3, 1984
to International Relations Department
from Nives Fox
subject International Conference for the Freedom of Jews in Syria - Paris, November 18, 1984

The International Conference for the Freedom of Jews in Syria was a success, far beyond the most optimistic expectations. It was truly international, with the participation of representatives from 20 countries; it had a packed and overflowing audience through the entire day (well over 500 persons, almost double the hoped for 300); it had many prestigious speakers and other personalities who came just to show solidarity; finally, there was good press, radio and television coverage. SIONA could not have asked for more -- and the silent and avowed trepidations by the sponsoring organizations could not have been more assuaged.

All this in spite of the fact that French Senate President Alain Poher, around whom the entire conference was built, did not come after all. The official excuse given was that he had to be in Metz for an important commemoration; obviously a diplomatic ploy, and rumor has it that he was "persuaded" to stay away. Quite possibly this was done by those who believed his participation could harm President Mitterrand's forthcoming visit to Syria, and because Poher is in the government opposition, also hurt long-term relations with that country.

As for the conference itself: There were very few remarks made of the kind we at AJC particularly feared, namely exaggeration about the plight of Syrian Jewry. Inevitably emotion or conviction carried a few speakers in this direction, but without excess; and the theme agreed to "let them go, each to the land of his choice," was adhered to, with the addition of repeated pleas to at least let out the 400 unmarried girls. In over seven hours of interventions -- and there were many more than just those listed on the agenda -- the sole and truly jarring note came from Rabbi Abraham Hecht (an Ashkenazi rabbi who heads the largest Syrian synagogue in New York) who not only described the situation overdramatically, but used words of contempt about Arabs, calling them an inferior people. Fortunately, these remarks were not picked up by the press.

Senator Orrin Hatch, who had called to say he would come to the conference, did not show up. But both Senator Arlen Specter and Congressman Stephen Solarz, with whom AJC's Israel and Middle East Division have been in close contact, were there; and US Ambassador Galbraith (who was in Washington) sent an Embassy representative. There were a number of senators and deputies from European countries, former ministers -- like Simone Veil, Sonia Seite, Leo Hamon; local mayors, city councillors, political party representatives (Socialist, Radical, RPR, UDF); and for the Catholic Church, the Rev. Father Riquet made a point of

saying he was representing Cardinal Lustiger and the French Episcopate. In addition, of course, community leaders from France and other lands, as well as several rabbis (the chief rabbis of France and Paris, but also of Luxembourg and Holland). In the audience were many writers, artists and other personalities, and an avalanche of messages kept coming in with good wishes and support declarations. Among them were Elizabeth Taylor, Joan Baez, former French Minister Jean-Pierre Fourcade, Socialist Deputy Georges Sarre, Jacques Chirac, etc.

The recent escapee from Syria -- Haim -- spoke to hushed listeners with the hall darkened and a request to the press not to photograph. He did a creditable job, conquering all when he burst into tears at the end as he addressed the Syrian government to ask whether he will ever again see his family.

One could expect the speeches to be of virtually identical content, yet there were some moments of greater interest. Mrs. Veil pointed up the disparity of opinion and ideology among the politicians present and noted how this disappeared on occasions when all could be united in their fundamental belief in human rights and democracy. An excellent and realistic note was injected by Maurice Duverger, well known expert on Constitutional rights: Syria is Israel's major adversary since the Egypt-Israel peace agreement, its regime a harsh one. He reminded the public that 2/3 of the signatories of the Declaration of Human Rights did not respect them. Yet President Assad, while holding all the power, represents a minority group, the Alawites. Hard, implacable, but very intelligent, Assad rides the crest again, holding Lebanon in a tight vise as a protectorate. Nonetheless, Assad will take note of those who came to speak here; and further interventions must take place, carefully prepared and backed with a serious dossier. France says Duverger, is presently in a good position to help; and so will the U.S. be, for it too must develop relations with Syria in order to advance in the Middle East. Duverger also believes that Israel will have a role to play eventually, for there will be relations between it and Syria. But, he warned, Assad will make no gifts, not for human rights, not for conscience: he will deal only on a give and take basis.

A surprising presence and intervention was that of an officer of the Christian Lebanese forces, who made an impassioned appeal for getting at the root of evil in the Middle East, namely Syria, which is holding the entire area hostage and is notorious for its intolerance of its neighbors. (He repeated this later, on the Jewish radio in Paris.) Israel's Ambassador to France, Ovadia Soffer, injected a strong plea for peace and cooperation between Jews and Arabs.

Adding some excitement to the meeting was the radio interview on the same morning by French journalists in Damascus with President Assad, who when questioned about the meeting declared that Zionism, a racist movement, inspired manifestations such as the SIONA conference; and that such meetings were an interference in internal affairs of Syria, a gross provocation, causing prejudice for Jews throughout the world and constituting a dangerous precedent. Were this to become a rule, he said, Syria too should take an interest in the fate of Jews, Christians or Moslems in France. As for the Jews in Syria, they have the same rights as other citizens, the majority among them less obligations. "They study in our schools, in our universities, some are state functionaries, others in liberal professions; and you have seen their commercial

half are women. None have asked to serve in the army, but if such a request were addressed to me I will not fail to examine it." (He made no mention of the restrictions on emigration.)

Participants felt that had nothing else been accomplished by this Conference, there is the fact that Syria did indeed notice it at the highest level.

Several speakers at the meeting, notably former Gaullist Minister Leo Hamon, forcefully rejected the accusation of interference in internal affairs -- "It is the duty of free countries which observe human rights to cry out against violations elsewhere."

The resolution proposed at the end of the conference was slightly amended to refer to the presence of international representatives of governments and organizations; to ask other world leaders to intervene with President Assad; and in the last paragraph, a phrase was added to include Jews and non-Jews forbidden free emigration from countries of their nationality and residence -- an opening for Soviet Jews and all other suffering minorities. The resolution was unanimously voted. (English translation of the final text incorporating the changes is attached.)

It was further agreed that a number of suggestions made during interventions be considered at a future date by a Permanent Committee, whose on the spot creation, under the chairmanship of Roger Pinto, also was unanimously voted. The Committee's composition is that of the representatives of the 20 countries at the conference, very light in structure, but with regular contact, to decide future action. In terms of immediate action, it was also agreed that each representative, upon his return home, would request meetings with the respective Foreign Ministers to ask intervention on behalf of Syrian Jews; and with the Syrian Ambassador to their country, as had been arranged by Dr. George Gruen for the U.S. organizations in Washington before the conference.

Additional action promised by speakers during the meeting was: from Rabbi Abraham Soetendorp (Holland) to ask the Dutch Council of Churches to act on behalf of Syrian Jews; from Leon Tamman, UK President of WOJAC, to enlist the help of the churches for getting out the unmarried Syrian girls. CRIF's President Theo Klein will ask an intervention of President Mitterrand. In this connection, I urged and have been assured that in the presentation of restrictions against Jews in Syria only the paper prepared by George Gruen for the AJC/NEC meeting in Chicago be used.

Among the more spectacular and wildly applauded suggestions was that of Jean-Pierre Bloch (President of LICRA) "France sent boats to get Arafat and the PLO out of Lebanon when they were in danger -- let her do the same for the Jews of Syria!" More rational, but very hard to put into effect, is to have a fact-finding mission go to Syria. Finally, the possibility of France agreeing to take in Syrian Jews in transit to whatever the country of their choice.

To conclude: misapprehensions about the appropriateness of holding this meeting now were unwarranted. The recent announcement that President Assad's brother Rifat will be returning to Syria and put in charge of the state's security affairs in itself justifies the conference. The number of persons and personalities that came to address the meeting or sent messages of solidarity

and support was impressive; the many who came to listen to so many speeches, perforce repetitious ones, a proof that there was a latent need for the gathering. As Senator Specter remarked: "I see a lot of clippings in your dossier, but they are all quite old. We must have fresh clippings and keep the Jews of Syria and those of the Soviet Union in the headlines." The Chad crisis stole the headlines; but the Conference was reported by all the French dailies (except the Communist) and one expects coverage in some of the weeklies as well.

Delegates came from far away places like Australia (also representing New Zealand), Argentina, Mexico, Panama. The last two, informed by our Mexico office, told me that had there been more advance notice many more would have come from Central and Latin America. The interest and profound concern among Syrians abroad over the fate of their brethren still in Syria was apparent during my conversations with Messrs. Harari and Sitt. They know practically each family, some are distant relatives, and Syrian Jews obviously remain a very closely knit community in spite of distance. Both Harari and Sitt want a maximum of facts; both are determined to work on the problem of Syrian Jews in their areas, perhaps with similar meetings. AJC should follow-up with them and guide them toward success.

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NF:ar/el

cc: Marc Tanenbaum
George Gruen
Sergio Nudelstejer

P.S. I just had a telephone call from Roger Pinto, to inform me that Olivier Stirn, former Minister during Giscard's regime, now a Deputy (center-left of Giscard Party) will raise a question at the National Assembly this coming Wednesday, about Syrian Jews.

I took the occasion to ask Pinto for the real story on Poher, and he promised it, but not over the telephone. Pinto has been very praising of AJC, thanked us publicly for our help and cooperation and has made no bones about declaring on every possible occasion that the American Jewish Committee was the only U.S. organization that actively helped with the Conference.

84-580-45

CONFÉRENCE INTERNATIONALE POUR LA LIBERTÉ DES JUIFS DE SYRIE
INTERNATIONAL CONFERENCE FOR THE FREEDOM OF JEWS IN SYRIA

AN APPEAL TO ALL PEOPLE OF GOOD WILL

The International Conference for the Freedom of Jews in Syria gathered in Paris, November 18, 1984, under the distinguished Chairmanship of French Senate President Mr. Alain Poher, and in the presence of international representatives of governments and organizations. Deeply concerned with the plight of Syrian Jews and in solidarity with them, the Conference

-- Appeals to all people of good will, international bodies and freedom loving nations to join in the struggle for the right of Syrian Jews to emigrate as stated in the fundamental principles of the Universal Declaration of Human Rights, subscribed to by Syria,

-- Calls upon the President of the French Republic, vigilant champion of human rights, to urge President Assad on the occasion of their forthcoming meeting to put an end to the discriminatory practices against Syrian Jews and thus allow them to emigrate to countries of their choice, and calls upon leaders of other lands to make similar appeals to the Syrian authorities,

-- Requests Mr. Hafez El Assad, President of the Republic of Syria, to finally recognize and grant the right of Jews to emigrate, as a humanitarian act and in respect of human dignity,

-- Commits itself to continue waging this battle unceasingly, on all fronts, until the Jews in Syria and other Jews and non-Jews forbidden free emigration from their countries of nationality and residence enjoy in deed the principles of freedom and dignity set forth in articles 13 and 14 of the Universal Declaration of Human Rights.

Adopted unanimously
Paris, France
November 18, 1984

(Translation from the French)

THE AMERICAN JEWISH COMMITTEE

date January 3, 1985

to Marc Tanenbaum

from Allan Kagedan

subject Meeting with M'bonga-Chipoya (Zambia) Special Rapporteur for
UN Right to Leave Study

Sidney Liskofsky arranged to meet with Mr. M'bonga-Chipoya on December 20, and asked several members of the International Relations Department (David Geller, David Harris and Allan Kagedan) to accompany him.

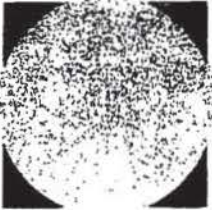
Mr. M'bonga-Chipoya expressed his satisfaction in meeting with representatives of the Jewish community. After some pre-arranged (by us) discussion of the problem of hunger in Africa, conversation turned to the plight of Soviet Jews, specifically, the reasons they wish to emigrate; anti-Jewish discrimination, cultural deprivation, the difficulties encountered in initiating the emigration process, and the punitive consequences of applying for emigration. Mr. M'bonga-Chipoya, referring to Soviet claims that Jews were a "privileged" group, expressed particular interest in background information of the problems facing Soviet Jews.

Mr. M'bonga-Chipoya mentioned that his own busy schedule and his location (Lusaka) made it difficult for him to acquire and analyse the material needed for his study. The UN Secretariat would provide him with some assistance, but he was eager to obtain additional help. David Geller presented to him some materials assembled in advance relating to Soviet Jewry. He asked that additional materials on the Soviet Jews' desire to leave be sent to him in Zambia. He mentioned that he had been in touch with Hurst Hannum of PAIL, and that it was possible that a seminar on emigration would be held in Lusaka, Zambia. Mr. Hannum is receiving from JBI a grant for a study on the right of emigration but we are not publicizing that information.

The meeting was cordial and Mr. M'bonga-Chipoya was receptive to our views and materials. We plan to follow up his request to furnish scholarly materials for possible use in his study.

AK:DG

cc: David Gordis



THE RIGHT TO LEAVE ANY COUNTRY



December 1983

THE RIGHT TO LEAVE ANY COUNTRY

A human being should be free . . . to leave his country of residence. The freedom to leave one country for another allows an individual to choose the society in which he will live. Even if an individual never avails himself of that right, the feeling that he is free to go is important for his psychological well-being. But for the individual who finds his society intolerable, and who has made the difficult decision to expatriate himself, denial of this right may be tantamount to a total deprivation of liberty. Without the right to leave, a person may be subject to political repression, may be prevented from observing his religion, from obtaining an education or a job of his choice, or may be frustrated in his efforts to enjoy marriage and family life. Denial of this right is the source of much unnecessary suffering throughout the world.

Stig Jagerskiold, The Freedom of Movement, in THE INTERNATIONAL BILL OF RIGHTS: THE COVENANT ON CIVIL AND POLITICAL RIGHTS 166, 166-67 (L. Henkin ed. 1981)

The right to leave any country, including one's own, is regarded in some quarters as a secondary, rather than a fundamental, right. Moreover, there always have been widespread violations of this right by certain countries, and current efforts in the United Nations to restudy the right, taking into account alleged adverse effects of the "brain drain," may represent a more broadly-based attempt to restrict its breadth and application. Such developments are unfortunate, since as the above extract indicates and Professor Nanda suggests it "is one of those basic rights, the universal recognition of which is likely to be a major accomplishment in accepting the importance of the individual as a subject of international law." The purpose of this two-stage research proposal is, first, to contribute to the clarification and direction of the forthcoming study of the right by a Special Rapporteur of the UN Subcommittee on the Prevention of Discrimination and Protection of Minorities, the Hon. C.L.C. Mubanga-Chipoya, and, second, to

research the origins, applications and current developments surrounding the right with the object of producing either a series of articles or even a monograph on it to guide the UN in its efforts and to contribute to the evolution and enforcement of the right.

I. Normative Status of the Right

Article 13(1) of the Universal Declaration of Human Rights provides, inter alia, that "[e]veryone has the right to leave any country, including his own. . . ." This provision, along with Article 12(2) of the International Covenant on Civil and Political Rights, Article 2(2) of Protocol No. 4 to the European Convention on Human Rights and Article 22(2) of the American Convention on Human Rights, replicates the Universal Declaration. Most recently, Article 12(2) of the African Charter on Human and Peoples' Rights, adopted in 1981 and soon to come in force, contains similar language. Thus, on the normative level, the right to leave is well established.

Unfortunately, various limitations on the exercise of the right are present in all the above international human rights instruments. Article 29(2) of the Universal Declaration, for instance, contains a general limitation provision as follows:

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of

morality, public order and the general welfare in a domestic society.

The above-cited treaties contain even more expansive limitation provisions. Thus, Article 12(3) of the Civil and Political Covenant permits restrictions "which are provided by law, are necessary to protect nationality security, public order (ordre public), public health or morals or the rights and freedoms of others. . . ."

As Professor Humphrey, former Director of the UN's Division of Human Rights, has written: "The limitations permitted by the Covenant on Civil and Political Rights are much more far-reaching than those permitted by the Declaration. . . .; there are therefore greater possibilities of abuse and the legal problems involved in their interpretation are more difficult." To support this view, he calls attention to the fact that "[a]rticles that appeared in Soviet press after the Soviet Union ratified the Covenants in September 1973 interpret the limitation clauses to permit the restrictions imposed on the enjoyment of human rights in that country." The Soviet Union, as well as other countries, have pressed this view before the Human Rights Committee after the coming into effect of the Covenant. Similar limitations appear in the other international human rights instruments. Moreover, they all -- tracking Article 4(2) of the Covenant -- permit countries to derogate from the right to leave when they consider such derogation necessary. Thus the right is far more qualified than many observers think desirable.

In recent years, efforts to enforce the right have focused primarily on the Soviet Union and Rumania, both countries that deny or restrict the right of their citizens to emigrate. Unhappily, the UN bodies charged with developing and enforcing the right have shown little enthusiasm when the question of its violation has been raised. The United States, through the Jackson-Vanik Amendment to the Trade Reform Act of 1974, which prohibits, inter alia, the granting of most-favored-nation treatment to nonmarket countries that infringe upon this right, has tried with mixed results to bring economic as well as political pressure to bear upon such countries to secure their compliance with their international obligations. Sadly, its initiative has received little support from other sources. Indeed, current proposals before UNCTAD for a "brain drain" tax cut, indirectly if not directly, against the right to leave one's country. Another possible danger arises from the UN Subcommission's study of the right, which mandates its Special Rapporteur to examine it "taking into account the need to avoid the phenomenon of the brain drain from developing countries and the question of recompensing those countries for the loss incurred, and to study in particular the extent of restrictions permissible under Article 12(3) of the International Covenant on Civil and Political Rights. . . ." The Subcommission's instructions to its Special Rapporteur to present to its next August session "recommendations for promoting and encouraging respect for and observance of this right" serve to highlight the need for the initiatives suggested below.

II. Clarification and Enforcement of the Right

Since the UN published the Ingles study on the right to leave (see item three in the Selective Bibliography attached as Appendix A) in 1963, there has been a fair amount of writing on the right to leave, mostly focused in the right of Soviet citizens to leave that country. Much of it, however, has been advocacy writing rather than dispassionate analysis. With the exception of the Vasak-Liskofsky colloquium (see item four in the attached Selective Bibliography) and the Jagerskiold chapter cited at the end of the introductory extract, it has been descriptive rather than prescriptive in nature. The Subcommission study just getting underway offers the opportunity to marshal international support for the clarification and the development of the right to leave, in an action-oriented fashion, while at the same time producing a substantial body of scholarship on the right to leave.

Initially the Institute, which already has established a working relationship with the Subcommission's Special Rapporteur, the Hon. Mubanga-Chipoya, through several conversations at both the 1982 and 1983 sessions of the Subcommission and regular correspondence and transmittal of materials thereafter, proposes to spend three months researching the right in preliminary fashion, conferring with the Special Rapporteur at Geneva in February about the scope and nature of his study and following up with suggested outlines of the subject matter and treatments thereof to assist him in getting his study underway in satisfactory fashion. Also, the research done during this period will serve as the basis for a short note or comment, to be published

in the American Journal of International Law, surveying the evolution and status of the right to leave and calling attention to the UN study underway. A tentative budget for this small, three-month pilot project is attached as Appendix B.

Additionally, the Institute proposes to undertake a full-scale, comprehensive study of the right to leave, including the limitations thereon and, more specifically, the "brain drain," over a one-year period beginning 1 March 1984 and ending 28 February 1985. This study, portions of which will be made available to the UN's Special Rapporteur in advance for his use in preparation of his own report, eventually will be published in a series of law review articles or, alternatively, as a monograph in the PAIL Series. The study will attempt to cover the origin, development and present and future contour of the right in definitive fashion, taking into account not only the substance of the right but the reach of legitimate restrictions and problems relating to its enforcement. It also will examine implementation of the recommendations of the 1963 Ingles study and 1972 Uppsala Declaration to suggest whether it would be helpful to draft additional international instruments to ensure the protection of this right. A tentative budget for this one-year project is attached as Appendix C.

Respectfully submitted,



Richard B. Lillich
President

APPENDIX B

Tentative Budget

RIGHT TO LEAVE STUDY
February - April 1984

| | |
|---|----------|
| Preliminary research (equivalent of two weeks full-time research) | \$ 1,800 |
| Secretary and research assistance (part-time secretary and PAIL Research Assistants, 150 hours at \$8 per hour) | \$ 1,200 |
| Xerox, postage, telephone, etc. | \$ 1,000 |
| Overhead (10%) | \$ 600 |
| | <hr/> |
| | \$ 4,600 |



APPENDIX C

Tentative Budget

RIGHT TO LEAVE STUDY

March 1984 - February 1985

| | |
|--|-----------|
| Research and writing (equivalent of one-half time of PAIL Executive Director Hurst Hannum, Esq.) | \$ 22,000 |
| Secretary and research assistance (part-time secretary and PAIL Research Assistant, 800 hours at \$8 per hour) | \$ 6,400 |
| Travel (one trip to Geneva and several trips to New York) | \$ 3,000 |
| Working meetings of experts to review drafts and final work product and to advise on possible follow-up actions | \$ 5,000 |
| Administrative Expenses Xerox, postage, telephone, supplies, etc. Reproduction and dissemination of study and proposals (This does not include publication costs in final book or pamphlet form) | \$ 5,000 |
| Overhead (10%) | \$ 4,140 |
| | <hr/> |
| | \$ 45,540 |

APPENDIX A

A Selective Bibliography on the
Right to Leave
by Margaret Aycock

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UNITED STATES MISSION TO THE UNITED NATIONS

799 UNITED NATIONS PLAZA
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PRESS RELEASE

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Press Release USUN 140-(84)
November 21, 1984

Statement by Ambassador Richard Schifter, Alternate United States Representative to the 39th Session of the United Nations General Assembly, in the Third Committee, on Item 99, Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, November 21, 1984

Mr. Chairman, at the time of its approval by the United Nations General Assembly, the Universal Declaration of Human Rights was hailed as a significant milestone in humanity's quest for a better world order. Today, close to 36 years later, we continue to recognize it as such. At the same time, we must concede that a great many of its provisions are often honored more in their breach than in their observance.

A critical review of the individual articles of the Declaration from the perspective of our experience over the last 36 years will quickly reveal a fundamental problem which that document presents. It is that a good many of its articles provide for limitations on the powers of government that a great number of governments are simply unwilling to accept. If challenged on the ground that they have violated the Declaration, these governments will, if they bother to respond, point to the escape clause, Article 29, Section 2, which allows individual rights to be limited if that is necessary in order to meet "the just requirements of morality, public order and the general welfare in a democratic society." Some of the most egregious human rights violations are justified on that ground, and the world stands by because, in truth, universal acceptance of the specific standard that has been violated has been lacking.

But there are a few standards on which there is a truly universal consensus, standards whose violation does indeed sear the conscience of humankind. One of these is the standard contained in Article 5 of the Declaration, which provides that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." It is, indeed, fair to say that torture is universally held in abhorrence.

That, regrettably, does not mean that the world has, in fact, rid itself of that odious practice or is, at least, approaching that desirable goal. Today torture continues to be frequently resorted to by government agents to punish or to obtain confessions or information. But revulsion against such practices is so widespread that there is, indeed, a chance that a strong and concerted international effort can greatly reduce their incidence and ultimately come close to eliminating them.

It is to attain these objectives that the United States has supported and participated actively in the preparation of a draft convention against torture and other cruel, inhuman or degrading treatment or punishment. Over seven years of arduous negotiations, a Working Group of the Commission on Human Rights has grappled with the task of developing an instrument which appropriately takes into account the concerns of the various states. We welcome the end product of these long deliberations, the draft convention which has been submitted with the report of the Working Group. Seven years of effort have, indeed, produced a document, which fully merits the support of this committee and which should be recommended for adoption by this session of the General Assembly in the form in which it has been presented.

My own country, Mr. Chairman, has by law pledged itself to give full support to the goals and objectives of the draft convention. A Congressional joint resolution, signed by our President as recently as October 4, 1984, states:

"The United States Government opposes acts of torture wherever they occur, without regard to ideological or regional considerations, and will make every effort to work cooperatively with other governments and with nongovernmental organizations to combat the practice of torture worldwide."

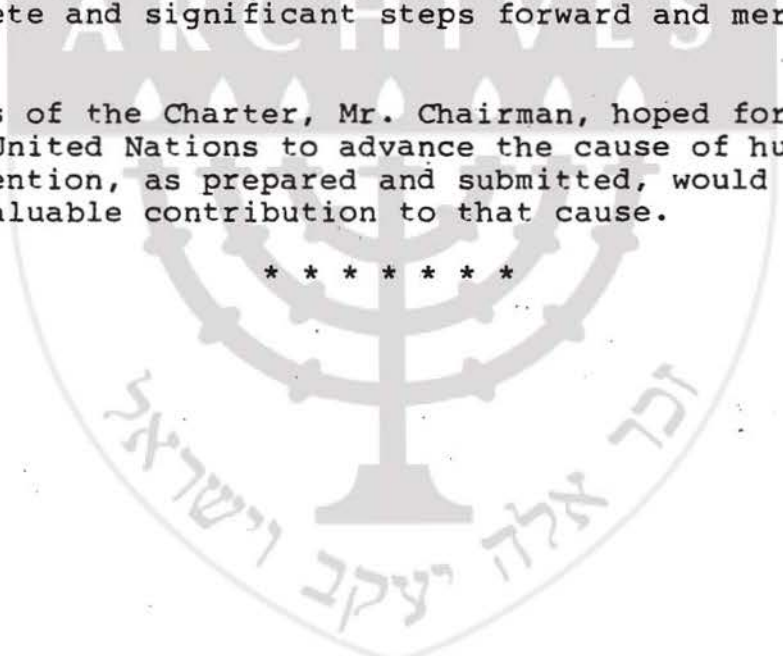
Mr. Chairman, the United States firmly believes that the adoption of the draft convention against torture will be a decisive step in combating these evils. Nevertheless, even the addition of a new and more effective legal instrument will not abolish these practices overnight. There are men and women who have already suffered at the hands of torturers, and we would be deluding ourselves if we did not expect there to be additional victims in the future. For this reason, the United States supported the establishment in 1981 of a voluntary fund within the United Nations system to assist victims of torture. At the same time, as we pursue parallel efforts to eradicate torture altogether, we believe that it is within the best tradition of international humanitarian cooperation for the United Nations to assist the unfortunate victims of torture. I am glad to say that the most recent session of our Congress appropriated an initial United States contribution to the United Nations Voluntary Fund for Victims of Torture.

Turning to the specific provisions of the draft convention, we want to call attention to the fact that Articles 5, 6 and 7 provide for a workable, effective system of universal criminal jurisdiction. The arm of the law will be able to reach the torturer wherever he may be, which fact, we hope, would over time constitute an added deterrent. It is in this fashion that this draft convention reaches beyond mere hortatory language to put some teeth into the instrument.

We also welcome, for the same reason, the proposal to create a Committee against Torture and to equip it with a limited implementation mechanism. That mechanism constitutes a well conceived system to encourage compliance with the convention. It is in this context that we strongly support the full text of Articles 19 and 20, including the sections which appear in brackets in the report of the Working Group. We believe that these articles provide for relatively modest and carefully limited measures of implementation, less than what a good many supporters of the Convention initially hoped for. They are clearly compromise provisions. Nonetheless, they are concrete and significant steps forward and merit support as such.

The authors of the Charter, Mr. Chairman, hoped for meaningful action by the United Nations to advance the cause of human rights. The draft convention, as prepared and submitted, would indeed constitute a valuable contribution to that cause.

* * * * *





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PRESS RELEASE

FOR IMMEDIATE RELEASE

Press Release USUN 144-(84)
November 27, 1984

Statement by Ambassador Richard Schifter, Alternate United States Representative to the 39th Session of the United Nations General Assembly, in the Third Committee, on Item 95, the Elimination of All Forms of Religious Intolerance, November 27, 1984

Mr. Chairman, freedom of religion is one of the most important human rights, a right to which this organization committed itself when the General Assembly approved the Universal Declaration of Human Rights. Article 18 of the Declaration, let us note, reads as follows:

"Everyone has a right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

Following adoption of the Universal Declaration, the General Assembly requested the Commission on Human Rights to elaborate the rights provided for in Article 18 -- as was the case with other rights set forth in the Declaration. As a result, the Commission undertook the task of providing a more detailed statement of principles. After 20 years, agreement was reached on a document which came to be known as the "Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief." Proclaimed by the General Assembly on November 25, 1981, the Declaration serves to spell out in some detail the essential ingredients of the right set forth in the Universal Declaration's Article 18.

The highlights of the 1981 Declaration, beyond its restatement of some of the principles contained in the Universal Declaration, include the following:

- 1- the right to worship or assemble for religious purposes and to establish and maintain places for these purposes;
- 2- the right to issue and disseminate relevant publications on the subject of religion;
- 3- the right to teach a religion or belief;

4- the right of a child to have access to education in the matter of religion or belief in accordance with the wishes of his parents.

It is fair to say, Mr. Chairman, that the rights guaranteed by Article 18 of the Universal Declaration are more widely respected than a good many other rights which that Declaration sought to guarantee. There are quite a number of countries that permit freedom of worship even though they severely curtail other human rights, particularly political rights.

It is because religious freedom is so widely respected that massive violations which occur in some states stand out with particular clarity. In using this forum to speak of these violations, we have only one purpose and that is to appeal to the countries in question to end these violations, to permit all their citizens to worship in peace, without government interference, and to end all practices of discrimination based on a person's religion.

I shall today offer only two examples of very serious violations of Article 18 of the Universal Declaration and of the Declaration Against Religious Intolerance, one of them because of the large number of persons affected, the other because it involves by far the severest form of brutality.

The most massive scheme contravening the Declaration Against Religious Intolerance is the body of law and regulations in effect today in the Soviet Union. It places extraordinarily restrictive limitations on the exercise of religion in that country, authorizing such exercise only within a very narrow framework and outlawing all religious activities which take place outside it. This system of state control of religion was anchored in law 55 years ago, during the heyday of the Soviet campaign against all forms of religion. No effort has been made in the intervening period to bring this set of laws into conformity with either the 1948 Declaration or the 1981 Declaration.

It is quite possible that we shall be told that the mere fact that the Soviet scheme to regulate religion is provided for by law means, per se, that it cannot be in violation of the Declaration against Religious Intolerance because Article 1, Section 3 of that Declaration permits governments to impose legal limitations on freedom of religion.

The argument which I am here anticipating is one which the Soviet Union has used with regularity to avoid the obligations which it has assumed in the area of human rights. It is an argument without validity.

Close examination of the Declaration's clause which authorizes limitations on religious freedom reveals that it authorizes such limitations only if they "are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others." The mere fact that a government states that a particular

regulation is necessary to protect public order, Mr. Chairman, does not mean that further inquiry is foreclosed. Such a claim could easily be made by South Africa for its nefarious schemes of discrimination, which have rightfully earned that country universal condemnation. We submit that just as South Africa's legally authorized scheme of discrimination is appropriately subject to review by international agencies so is the Soviet Union's legally authorized scheme for the regulation of religion.

As I have already indicated, the Soviet Union's limitations on the free exercise of religion is contained in a law first enacted in 1929 and amended from time to time since then. That law permits the conducting of religious activities by groups only if they are registered as "religious associations." Religious associations, in turn, are rigidly controlled through a body of rules enforced by a state bureaucracy which is headed by the so-called Council of Religious Affairs. Working under the Council of Religious Affairs are regional commissioners, with whom religious associations must register. A commissioner can refuse to register an association or can cancel the registration without citing any reason. Through this process, the commissioner can also regulate the selection of clergymen to any church position.

Furthermore, as all real property, including ancient church buildings, is owned by units of government, the religious association must sign an agreement with the local government before it can obtain possession of the building. That agreement will often add to the limitations placed upon the association by the national bureaucracy.

Generally speaking, the regulators will authorize liturgical services at designated hours in designated places, namely the officially authorized places of worship. All other religious activities are forbidden. Thus, all persons whose personal commitments or the rules of whose religion call for religious activity and experience beyond those sanctioned by the bureaucracy must forego the demands of their conscience or risk punishment at the hands of the state. Moreover, in a special effort to prevent parents from passing on their religious beliefs to their children, membership in religious associations is denied to persons under the age of 18. Every effort is made to discourage all forms of religious instruction.

Religious associations are thus left, to use the American vernacular, between a rock and a hard place. If they don't register and engage in religious practices they find themselves in violation of the law. If they register, they are subjecting themselves to government control, particularly as to the selection of their clergy, and are submitting to a large body of rules imposed upon them from the outside. Violation of the rules can lead to loss of registered status and thus, once again, to violation of the law. Our vernacular has a term for such an arrangement as well. It is what we call a "Catch-22" situation.

It is worthy to note that as the police is evidently kept busy performing functions other than the enforcement of the laws on the subject of religion, a special volunteer spy system has been created for that purpose. Neighborhood committees which are called "Public Commissions for Control over Observance of the Laws about Religious Cults" watch their neighbors and report their violations of the laws on the subject of religion to the appropriate authorities.

This, then, is the system which serves primarily to deprive those persons of religious freedom who look to their religious associations to provide them with more than a government-approved ritual ceremony in a government-approved location during a government-approved time period. Evangelical Christians, Mennonites, Baptists, and Pentecostals, all of whom have refused to register, are most often the victims of government persecution of religious activists. Roman Catholic priests in Lithuania have in recent years also more and more frequently been severely punished for engaging in religious activities and for the violation of government edicts. So have Jews, whose legally authorized synagogues have been reduced to 50 throughout the Soviet Union and whose training institutions for rabbinical students have long been closed.

To the chagrin of the authorities, interest in religion on the part of the Soviet people has been on the increase rather than on the decline. Violations of the law are thus too numerous for these laws to be enforced rigidly. Instead, as students of the subject have noted, a good many minor violations will simply be ignored. But when the KGB's patience runs out, its agents clamp down hard and the person guilty of the illegal practice of religion is sent off for years in a prison, a forced labor colony, or in exile, most often on a trumped-up charge. And in those cases in which it appears inconvenient to invoke "socialist legality" through a criminal proceeding, the luckless religious practitioner is sent off to an institution for the mentally ill.

Deprivation of rights under Articles 1 and 6 of the Declaration Against Religious Intolerance, the articles dealing with religious practices, is not the only consequence of religious activism in the Soviet Union. The activist also suffers discrimination in his workplace, in violation of Articles 2 and 3 of the Declaration. It can take the form of not being hired in the first instance, being fired from a position or not being promoted. Of course, as a religious believer will not be granted membership in the Communist party and as such membership is a sine qua non to elevation to leading positions, a religious activist's chance of rising to an important position in the country is nil.

Baptists, Pentecostals, and other religious activists are discriminated against for being just that, activists. They are being discriminated against for having made a personal choice, not for having been born into a family of Baptists or Pentecostals. It is not that way with the Jews of the Soviet Union. The policies of discrimination that were initiated in the 1930's, stepped up after 1948, and reinvigorated during the last few years are not tied to religious activism, but to ethnic origin. In resemblance of the

status of nonwhites in South Africa, a Jew in the Soviet Union, clearly marked as such in his official identity card, is set aside as a person of lesser rights. He is discriminated against in terms of his job opportunities, his promotion opportunities, and his educational opportunities. He is vilified in books, magazines, and newspapers.

To be sure, such vilification is screened by the use of code words. The anti-Jewish campaign of 1948 and 1949 was a campaign against cosmopolitanism. The most recent anti-Jewish campaign purports to be anti-Zionist. It is, in fact, directed against Jews irrespective of their attitude on the politics of the Middle East.

Most disturbing indeed, are the caricatures of Jews appearing in the Soviet press. Anyone who is familiar with the anti-Jewish cartoons which appeared in the newspapers of the Nazi era will recognize the racist character of similar material distributed in the Soviet Union today.

Nor is anti-Jewish discrimination in the Soviet Union limited to persons both of whose parents were Jewish. Again resembling the status of persons called "colored" in South Africa, persons of partially Jewish descent in the Soviet Union are also the subject of discrimination. Their ancestry is usually gleaned from their names, their looks, or quite often, by inquiries as to their mother's maiden name. It is because of such indications as to their ancestry that they will find themselves less able to obtain coveted seats in institutions of higher learning or to rise to positions of leadership than those as to whom there is no doubt as to what the Nazis called "racial purity."

Mr. Chairman, if past experience is to serve as a guide, we shall before long be treated to an angry reply to the presentation which I have just made. Let me, therefore, make it clear that it is not our intention to engage here in a verbal slinging match. Our purpose is simply, as I noted before, to lay out certain facts and thereby draw attention to practices which contravene internationally recognized standards of human rights. We have presented this case mindful of the text of Article 3 of the Declaration Against Religious Intolerance, which reads as follows:

"Discrimination between human beings on grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations."

For the sake of friendly and peaceful relations between nations, let us hope that the Soviet Union might reconsider its position and give life within its borders to the provisions of the Declaration Against Religious Intolerance.

Mr. Chairman, we all know that the world today is far from the goal of human brotherhood envisaged by the authors of the Universal Declaration of Human Rights. We know that in many countries some of the most egregious violations of human rights, including murder and torture, are often resorted to. But usually these most extreme violations take place under the authority of a government only when that government believes that such practices are essential measures against its political enemies, who are suspected of plotting its overthrow.

But there is one case today in which murder and torture are being practiced by a government against a friendly, kind-hearted, and totally peaceful group -- and the world stands by, evidently incapable of doing anything about it. I am referring, Mr. Chairman, to the fate of the members of the Baha'i religion at the hands of the Iranian government.

There are approximately 350,000 Baha'is in Iran, about 1 percent of the country's population. They are, as I have indicated, a peaceful group, which believes in equality of the sexes, racial harmony, and universal education. The Baha'i religion teaches them not to involve themselves in politics, but to accept whatever laws and rules a government might lay down. In fact, submitting to the rules laid down by the present government of Iran, the Iranian Baha'is have ended the terms of office of all their elected leaders and have abolished all the administrative institutions related to their faith.

Nevertheless, the persecution of Iran's Baha'is, initiated in 1979, continues. News of the latest round of executions has been received within the last few weeks. It is estimated that more than 170 Baha'is have been executed or have died in prison as a result of torture during the last five years. Many others have disappeared and are presumed dead. A substantial number of those executed were women, including some teenage girls. At this moment approximately 750 Baha'is are imprisoned. About 30 of them have been sentenced to death. The reports of the torture inflicted on these prisoners are truly frightening.

In each instance, let me say, the reasons for imprisonment and possible execution is not even religious activity. It is mere belief. All that is necessary for incarcerated persons to obtain freedom is for them to recant, to repudiate their religion. The fact that most of them do not take that step is indeed one of the most amazing stories of heroism of our time.

Mr. Chairman, I have not recounted in detail the reports of the nature of torture inflicted on these innocent victims. Let me simply say that if any set of human rights violations in the world today cries to high heaven, this one surely is it. And if this organization finds itself unable to do anything about a set of violations so free of East-West implications, we indeed have a right to wonder whether it can be expected to accomplish much in the field of human rights. Fortunately, the Commission on Human Rights has authorized the appointment of a Special Representative, whose

responsibility it is to investigate all human rights violations in Iran, including those against the Baha'is. It is to be hoped that after all the relevant facts have been formally presented to the Commission on Human Rights, it will be possible for the Commission to take steps which can lead to amelioration of the conditions which I have described.

Thank you, Mr. Chairman.

* * * * *





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PRESS RELEASE

FOR IMMEDIATE RELEASE

Press Release USUN 152-(84)
November 29, 1984

Statement by Ambassador Richard Schifter, Alternate United States Representative to the 39th Session of the United Nations General Assembly, in the Special Political Committee, in Explanation of Vote on Item 71, Report of the Special Committee to Investigate Israeli Practices, November 29, 1984

AMERICAN JEWISH

Mr. Chairman, we have once again completed the annual ritual of approving a set of resolutions which were tabled under the heading "Israeli Practices in the Occupied Territories." Hardly anyone believes that we have thereby helped solve the problems discussed by these resolutions or advanced toward the goal which we are pledged to seek, that of peace in the area here in issue. At best, the resolutions, repetitions of resolutions passed on a number of occasions in previous years, will have no practical effect. At worst, they make progress toward peace more difficult than it is.

My country, Mr. Chairman, has a deep commitment of more than thirty-six years' standing to the cause of peace between Arabs and Israelis. Our President reaffirmed that commitment before the General Assembly as recently as two months ago. The principles which he restated then are the principles which govern our policy, a policy which we believe could at long last bring tranquility to the region. We believe that after having endured a state of war for more than a generation, the people most directly affected, the people on both sides of the dispute, yearn for a genuine, long-lasting peace. Real opportunities to advance the peace process now exist. We stand ready to assist in that process, but are convinced that what is needed is a de-escalation of rhetoric, so as to enable the parties directly concerned to undertake useful discussions.

It is because of our commitment to peace; and because of our view as to the road which all concerned parties need to travel to get there, that we have voted on the resolutions—as we did. Our concern with their texts is twofold. First, we disagree with what we deem inflammatory rhetoric and unjustified allegations, which render the texts so affected counterproductive in the quest for peace in the Middle East. Second, we regret these one-sided resolutions and the disproportionate emphasis given to them because of the harm they do

to the credibility of the United Nations. Our votes, Mr. Chairman, should be read as votes for the peace process in the Middle East and for principles of fairness in the proceedings of the United Nations.

Most of the resolutions, as I have already observed, are repetitions of last year's resolutions on this topic. In general, we have voted as we did last year and, generally speaking, our explanations of last year apply equally this year. One resolution, the resolution concerning the assassination attempt on the Palestinian mayors was, we note, reworded in the light of the developments of the last year. We, in turn, have taken into account the facts that certain persons have now been charged with those reprehensible crimes, have been apprehended and have been put on trial. We see no reason to believe that Israel's legal system will fail to produce a just and fair result. Under the circumstances, we consider any interference by the United Nations in that judicial process highly inappropriate and wholly unjustified. It is for that reason that we have voted "no". Thank you, Mr. Chairman.



165 E. 56 St. NY 10022
February 20, 1974

HIS EXCELLENCY
PRIME MINISTER ZULFIKAR ALI BHUTTO
LAHORE, PAKISTAN

YOUR EXCELLENCY

IN NAME OF OUR SACRED SCRIPTURES WHICH WE REVERENCE TOGETHER AND
IN FEALTY TO OUR COMMON FATHER ABRAHAM WE RESPECTFULLY CALL UPON
YOUR CONFERENCE OF ISLAMIC REPRESENTATIVES TO REPUDIATE
RELIGIOUS HATRED AND BIGOTRY MANIFESTED RECENTLY BY CERTAIN
ISLAMIC LEADERS IN PUBLIC STATEMENTS AND WRITINGS OF ANTI-
SEMITIC AND ANTI-JEWISH CHARACTER. WHILE HONORABLE PEOPLE CAN
(END SHEET ONE)



FEBRUARY 20, 1974

HOLD DIFFERING POLITICAL AND IDEOLOGICAL VIEWS, THERE CAN BE NO JUSTIFICATION FOR RACIAL AND RELIGIOUS ANTI-SEMITISM WHICH CONSTITUTE A FLAGRANT VIOLATION OF THE MORAL AND SPIRITUAL TRADITIONS OF THE TORAH AND THE KORAN REVEALED THROUGH THE PROPHET MOHAMMED. A FORTHRIGHT DECLARATION BY YOUR CONFERENCE REPUDIATING ANTI-SEMITISM IN THOUGHT AND IN PRACTICE WOULD BE ENTIRELY CONSISTENT WITH THE PRINCIPLES OF THE UNITED NATIONS CHARTER ON HUMAN RIGHTS AND WOULD CONSTITUTE A SIGNIFICANT CONTRIBUTION TO ADVANCING THE CAUSE OF PEACE AND RECONCILIATION IN THE MIDDLE EAST AND THROUGHOUT THE WORLD. WE RESPECTFULLY AWAIT YOUR RESPONSE.

ELMER WINTER, PRESIDENT

BETRAM H. GOLD, EXECUTIVE VICE-PRES.

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M H R/S



RABBI MARC H. TANENBAUM

I am delighted to welcome you to this first public tribunal in preparation for the hearings of the Helsinki Accord. As you know, our purpose is to gather testimony from first hand experience as well as evidence from experts regarding the status of human rights and religious freedom of Christians and Jews in Eastern Europe as well as in the Soviet Union.

This past November, in 1976, the National Interreligious Task Force on Soviet Jewry, a coalition of Roman Catholics, Greek Orthodox, Protestants, Evangelicals and Jews, directed by Sister Ann Gillen, held a Consultation in Chicago. There the Staff Director of the Congressional Helsinki Committee, Mr. Alfred Friendly, Jr., delivered an address before that body and at the close of the Consultation he proposed to the Interreligious Task Force that it assume responsibility for convening the hearing on April 28 in Washington, D.C. for the Joint Congressional Commission's hearings in relation to the Helsinki Accord.

On April 28, then, this body will have the responsibility of bringing together witnesses and expert testimony to provide data regarding the Helsinki Accord and the status of religious liberty in Eastern Europe. Our purpose today is to prepare for that April 28 meeting in Washington. The testimony we receive today will be tape-recorded, assembled, evaluated and reported to the Helsinki Commission in Washington.

Here to receive the testimony today are:

| | |
|--------------------------|---|
| SISTER ANN GILLEN, | Executive Director, National Interreligious Task Force on Soviet Jewry |
| HON. RITA HAUSER , | Former United States Ambassador to the United Nations Human Rights Commission |
| DR. DAVID R. HUNTER, | Director of Education, Council of Religious and International Affairs |
| HON. THOMAS P. MELADY, | President, Sacred Heart College, Bridgeport, Conn., & former United States Ambassador to Uganda |
| BAYARD RUSTIN, | Executive Director, A. Phillip Randolph Institute |
| RABBI MARC H. TANENBAUM, | National Director of Interreligious Affairs, the American Jewish Committee |

FIRST WITNESS: Professor Thomas E. Bird
Professor of Slavic languages at Queens College, City
University of New York; also a member of a joint Roman
Catholic-Eastern Orthodox Dialogue Consultation.
Professor Bird is knowledgeable in Russian and Slavic
languages, as well as Yiddish.

In the time allotted to me, I would like to try to do four things:

- 1) Identify the communities of believers in the Soviet Union; and at this point I will not burden you with statistics; you may wish to have some numerical data later in the proceedings, and I will be glad to give you what is currently available, as you feel that would be useful.
- 2) I would like to sketch the present state of Soviet legislation regarding religion, worship and freedom of conscience in the Soviet Union.
- 3) Focus in a general way on the Roman Catholic groups found in the USSR today.
- 4) Conclude by suggesting how I think the Helsinki Final Act might be helpful in our considerations.

The groups into which believers fall in the Soviet Union are four (in the order of size):

- 1) The Christian community is divided into Russian Orthodox and Georgian Orthodox, Evangelical Christians and Baptists, Evangelical Lutherans, Roman Catholics in the republics of Lithuania, Byelorussia, the Ukraine, Armenia, Estonia and Latvia, the Armenian Apostolic Christians, Pentecostals and Jehovah's Witnesses.
- 2) The Jewish religious community.
- 3) The Muslim religious community.
- 4) The Buddhist religious community.

In the second half of the 1950's Nikita Khrushchev's government launched the third religious persecution in the history of the Soviet Union. The virulence and brutality of that campaign rivaled its predecessor of the 1930s. No faith escaped. Christian, Jew, Muslim, Buddhist, all fell victim to the determined effort to eradicate religion from Soviet life. This campaign lasted into the early 60s, and during this period, an unprecedented number of churches, synagogues and mosques were closed down. Since the mid 60s we have observed a holding action -- there has been no further large-scale institutional persecution, but there has also been no opportunity to re-open the thousands of hours of worship which were closed during that brief period of persecution.

Soviet legislation on religion can be seen as a progressive attempt to undermine the temporal and spiritual power of the various faiths. While the first decree on the subject in 1918 established the theoretical separation of Church and State and permitted persons to give or receive religious instructions in a private way, according to Article 9, it dealt a grave blow to the religious communities economically by pronouncing the property of all religious associations to be the property of the people; under Article 13, i.e. in brief, it was nationalized. This confiscation of property affected the Orthodox Church most severely, and it served as a pretext for the subsequent campaign for the liquidation of that Church during the 1920s.

The Baptists and other Protestant sects fared better, mainly because they were relatively recent comers to the Russian religious scene and because their persecution under Tzarism had given them no identification with autocracy. For the Jews, the 1918 decree meant the abolition of the Kahillah, the Jewish communal council and the beginning of the attack on Judaism by the Jewish section of the Communist Party.

A series of optimistic proclamations in the 1920s led the Muslims to believe that their religion would be protected by Soviet law. Any such illusions were shattered in '25 and '26 when the canonical Muslim Shar'iyah courts were gradually liquidated and religious Muslim schools throughout Central Asia were closed.

The decree of 1918 on the Separation of Church from State and Article 124 of the 1936 Constitution of the USSR are still both in force, but the basic legislation is the Law on Religious Associations of April, 1929, slightly revised in 1932, and for forty-four years, despite radical zig-zags in religious policy, the government has retained that 1929 law virtually unchanged.

In July, 1975, the government announced revisions of that 1929 law which affected nearly half that law's 68 articles and included some significant changes. The Council for Religious Affairs now has a published legal Constitution defining its duties and powers. Juridical personality has been almost totally restored to both local executive committees of religious associations and to central Church bodies. Some changes have been made in the procedures for registering churches, while the already limited sphere of legitimate activity has been circumscribed even more. The legislation, as updated in 1975, can only be called anti-religious in character.

Let me cite four brief specifics:

- 1) The registration of every association of believers, which is, of course, compulsory, is understood not as an act of recognition but as permission for it to exist. In other words, not merely does the legislation not guarantee freedom for religious societies to exist and be founded, it actually declares them outside the law.
- 2) Religious societies are deprived of property rights and all church property, including sacred vessels, icons and vestments.
- 3) Missionary, cultural, philanthropic activities are explicitly forbidden, meaning among other things that, in practice, all evangelization is banned.
- 4) The educational system is defined in a discriminatory way. Religious education is limited exclusively to ecclesiastical educational institutions, meaning the handful of seminaries that have been opened according to established procedure. A believing citizen commits a crime if he holds conversations on religious topics even with his own children, not to mention his grandchildren, nieces, or children of friends.

It is not unimportant that the 1929 law has long been impossible to obtain! It has not been available for decades even to teachers in those religious seminaries who must instruct their charges on Soviet legislation.. Nor has this changed. The new 1975 legislation is not publicly available; copies are numbered and are treated as though they were classified documents. To turn to the Roman Catholic situation and to gain insight into the conditions and prospects of this church, let me identify the main features of Soviet policy towards Catholicism which continue to shape the fate of that church in the USSR. They are five:

- 1) The atheist commitment of the Party. This has been a constant factor affecting the Soviet treatment of all religious groups. The intensity of attack upon any single denomination has varied, depending on the regime's policy priorities, its perception of domestic stability and external security and the anticipated reaction from believers both at home and abroad.
- 2) The emphasis on Sovietization of all religious groups, and by this,

I mean, extending to all groups of believers far-reaching controls which can be explained in terms of the nature of the system. The government has insisted on religious bodies accepting as the price of their legal existence a pro-regime patriotic political platform and submitting to administrative and police controls which go far beyond the legislation regarding religious bodies which is on the books. This is most important, that the way the Soviet system functions is far beyond the letter of the law.

The doctrinal, canonical and organizational features of Catholicism, including its dependence on the Vatican, have made it more difficult for the Catholic Church than for other denominations to accept these conditions for legal existence, and at the same time, these very features in the Catholic Church's life have helped it to minimize the impact of sovietization on its internal life, to frustrate some of the regime's controls and thereby to retain the confidence of many believers.

3) The foreign policy considerations, lesser and greater which have figured in Soviet Church policy. I will summarize this point simply by quoting Professor Fletcher that "a major channel for Soviet influence in international affairs is found in their indirect relations beyond the normal boundaries of trade, aid and diplomacy. Public opinion throughout the globe and particularly in the Third World is of overriding importance to the Soviet policy-makers and the belief communities in the Soviet Union play a major role in the ideological offensive of the Soviet State vis-a-vis the Third World.

4) Nationality policy. A determinant which applies to most but not to all groups. For example, Soviet policy towards the Eastern Rite Catholic Church has been primarily an application of nationality policy. This factor also plays an enormous role in Soviet policy towards the Roman Catholic Church in Lithuania. This leads us to the last factor, which applies specifically to the Roman Catholic Church.

5) The notion of Catholicism as a foreign and un-Russian faith, historically identified with Germans, Lithuanians and Poles, i.e. with enemies of Russia and, consistently, guided from an international center.

I would like to deal with the Catholic communities in three distinct areas, which have varied characteristics and find themselves in quite different conditions:

1) Lithuanian and Latvia, where conditions are least abnormal, where there is still a diocesan organization with at least some bishops and or apostolic administrators from whom the Holy See receives reports from time to time, and where there are institutions for training clergy; namely in Kaunas in Lithuania and in Riga in Latvia.

2) The "forgotten Church" as a Polish publication recently called the essentially and predominantly Polish Roman Catholic Church in the Western regions of Byelorussia and Ukraine, where there is no episcopal or diocesan organization, where there is a shrinking number of parishes with a rapidly aging clergy, a kind of no-man's-land in a colonial sense:

This is an area which the Polish Church has been trying to influence in a positive sense the religious life there. This effort has been thwarted by Soviet insistence that this is a region in which they will not tolerate Polish interference. In fact, in recent years an attempt to have a bishop from the Byelorussian Soviet Republic consecrated for the Catholics of that Republic was effectively aborted by the insistence of the Polish hierarchy that only a bishop of Polish ethnic background could be appointed. To that, of course, the Soviet administration would not agree.

As far as Western Ukraine is concerned, most of the surviving churches are now in the old territories.

In Galicia there are three or five priests left. In the Carpathian region there is a somewhat different situation, where a general vicariate for Hungarian Roman Catholics has been operating with relatively little interference.

3. The Catholic Diaspora, which is partly legal in Soviet terms, and partly illegal. Churches exist, some of which are interconnected, like the parish church in Leningrad with Riga, or the church in Moscow with the church in Lithuania, or the isolated parishes in Kishinev, Moldavia, Tblisi, Georgia and Frunzi-Tirgizia, plus an unknown number of unregistered and, therefore, illegal congregations in Northern Kazakhstan and Siberia. Finally, let me suggest some items coming from the Helsinki Final Act which, I hope, will have application for our consideration.

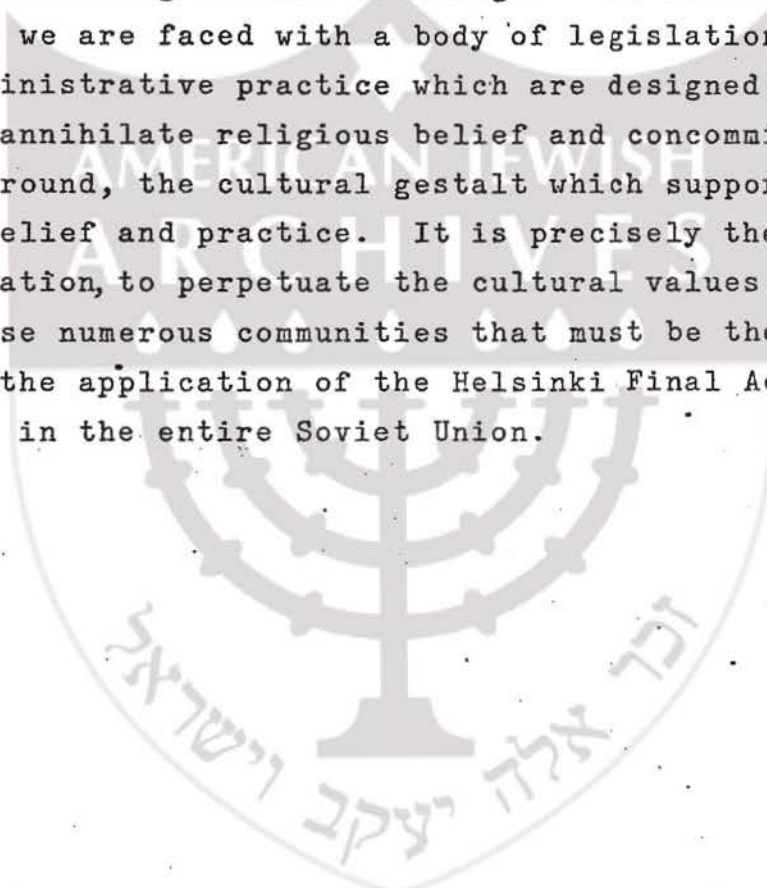
1) With regard to the right to leave -- the Helsinki Final Act pledges to facilitate free movement in general. This is a right which has been asked for and granted in very small numbers to a half-dozen different communities, including Volga Germans, ethnic Greeks, as well as some of the central Asian Turkic peoples and the Jews.

2) Provisions for facilitating the reunification of families. This is one of the cruelest and, therefore, one of the most important dimensions of our concern because it has reached the level of being Soviet policy to divide families, husband from wife, and children from parents.

3) Reaffirmation of a variety of other international instruments which have over the years stipulated the right to leave one's country. I suggest, that the Helsinki Act gives a special cogency and undergirding to those other international instruments.

4) The right to live culturally according to one's individual choice -- and this is appropriate to the communities of Muslims, Jews, Buddhists, Lithuanian Catholics, Ukrainian Catholics, Armenian Catholics. The Helsinki Final Act reaffirms freedom of religion both individually and in community. Next, it guarantees the possibility of international contacts and meetings by religious organizations; it envisages cooperation among national minorities across borders in the fields of culture and education; and, finally, it reaffirms several other international instruments containing provisions guaranteeing freedom of religion and minority rights.

To conclude -- we are faced with a body of legislation and years and decades of administrative practice which are designed to ridicule, denigrate and, finally, annihilate religious belief and concomitantly with it the cultural background, the cultural gestalt which supports the possibility of religious belief and practice. It is precisely the right to educate the next generation, to perpetuate the cultural values and the religious beliefs of these numerous communities that must be the overriding concern as we discuss the application of the Helsinki Final Act to these "prisoners of conscience" in the entire Soviet Union.



SECOND WITNESS: Mr. Ilya Levkov, Soviet emigre and research expert for the National Conference on Soviet Jewry.

I would like to touch on four points in general, the present situation in emigration, the repression of the Soviet Jewish culture, new dimensions of anti-Semitism, and recent Soviet interpretation of the Helsinki Final Act, together with Western expectations.

One of the most pressing situations today concerns reunification of Soviet Jewish families. Last year the South Florida Council on Soviet Jewry published a selection of 54 cases of such separated families in a book called "Orphans of the Exodus." Since last year we have compiled more cases of such poignant, tragic cases of family members who only know one another from photos and memories. A group of refusniks recently petitioned to be given written reasons for the refusals of visas, but the Soviet authorities state that the OVIR does not have to give any reasons for its refusals. Meanwhile harassment against prominent Soviet Jewish activists continues throughout the Soviet Union. One of the most heavily endorsed appeals to the OVIR, 163 refuseniks from 13 cities declares that the situation in which would-be emigrants "are brought to utter despair by being constantly refused quite illegally and for many years can no longer be tolerated."

I would like to stress several aspects of this emigration problem. The Helsinki Final Act urges facilitation of freer movement both individually and collectively:

The participating states...make it their aim to facilitate freer movement and contacts, individually and collectively, whether privately or officially among persons, institutions and organizations of the participating States, and to contribute to the solution of the humanitarian problems that arise in that connection.

In order to promote further development of contacts on the basis of family ties the participating States will favorably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily, or on a regular basis if desired, in order to visit members of their families.

Applications for temporary visits to meet members of their families will be dealt with without distinction as to country of origin or destination; existing requirements for travel documents and visas will be applied in this spirit. The preparation and issue of such documents will be effected within reasonable time limits; cases of urgent necessity -- such as serious illness or death -- will be given priority treatment. They will take such steps as may be necessary to ensure that the fees for official travel documents and visas are acceptable.

The situation of Soviet Jews did not improve last year. The same problem faced by a significant number of Soviet Jews in the absence of a free emigration policy by the USSR and the continuation of harassment against those who seek to emigrate to Israel.

I have some statistics which may be submitted later, but I would like to mention these: In 1973, the number of Soviet Jews emigrating was 34,933. In 1974, the number fell to 20,695; in 1975 it was 13,459. In 1976, the number was 14,113. However, the number of persons requesting the invitations continues to be much larger than the number of permits. Thus in 1976, there were 36,000 persons who asked for visas and 19,500 renewed their requests for visas.

There are now 27 persons who are in prison as a result of this denial of human rights. The situation of the prisoners is extremely bad, due to harassment and anti-Semitism on the part of other prisoners and prison administration. Their lives are unbearable.

In a number of cases, Jews were tried on criminal charges rather than political to serve as an example to other prospective applicants and in order to conceal from world public opinion the real reasons for their arrests and trials. This kind of pressure from Soviet authorities contradicts both the letter and the spirit of the Helsinki Final Act.

The authorities are trying to prevent the Jewish activists from various cities from maintaining contacts. Materials about Israel are being confiscated. Applicants are being dismissed from work or demoted to lower positions, and their salaries cut. Reserve officers have had their pensions cancelled. Telephones are cut off, and mail confiscated, including affidavits sent from Israel.

Another matter of the atomization of Jewish society is the radio broadcasts transmitted to the Soviet Jews. Even those about Jewish history and Hebrew lessons are being jammed systematically by the Soviet authorities. This is in contradiction to the Law on International Telecommunication and the agreement on it signed by the Soviet Union. Jewish students are expelled from universities; young Jewish men are conscripted into the army to prevent their families from applying for emigration.

Some Jews have been denied exit visas for a long time. In late 1976 they appealed to the Minister of the Interior of the USSR and the Director of All Union OVIR to protest against the difficult situations they had been placed in. They tried to organize a protest demonstration in the streets of Moscow near the Supreme Soviet Praesidium. The demonstrators were seized by the authorities, beaten and sentenced to 15 days; women among them were fined.

FAMILY REUNIONS

The Helsinki Final Act has much to say about this matter. I cite only a few passages:

The participating States will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with special attention to be given to requests of an urgent character -- such as requests submitted by persons who are ill or old.

They will deal with applications in this field as expeditiously as possible.

They will lower where necessary the fees charged in connection with these applications to ensure that they are at a moderate level.

In spite of the centrality of this issue, the list of separated families is long and it is saturated with human tragedy. These persons are young, they are brave, they have parents living in what they consider to be their historic homeland, Israel; yet, they are held back from their parents. Their most productive years are spent in waiting, in agony, in uncertainty. They are truly "Orphans of the Exodus", Jews whose parents have been allowed to emigrate while they remain captive in the Soviet Union. The same applies to those who are separated from husbands, wives, and children. Yet these Jews believe they will be free one day to live among their own people and be masters of their own destiny. International law is on their side, so they wait, turning to the outside world to plead their case. And the families -- how they suffer in this separation. I have a list of these separated families which I will submit, but these groups fall into three categories:

- 1) Those with parents in Israel
- 2) Those with children in Israel
- 3) Those with spouses in Israel

Anatoli Sharansky, who was arrested yesterday, has a wife in Israel; he has tried for a long period to obtain a visa to join her. This list is an indictment of the Soviet's failure to abide by its own laws and the international agreements it has signed. It is up to us, as a

signatory of this Act, to demand that the Soviet Union begin to reunite these families without further stipulations concerning the definition of "family" or motives for such reunifications.

As you know, the Soviet Union several months ago stated that the family consists only of the husband, wife and children. Thus the request to reunite with a grandparent or with aunts or uncles in Israel is not considered a valid request.

I've mentioned before the general spirit of intolerance which is found in various levels of repression of the Jewish nationality in the Soviet Union. I wish to touch on several such items now: Cultural Rights, Anti-Semitism and the Issue of Matzoh.

The Helsinki Final Act stresses time and again -- the freedom of cultural rights for the improvement of detente.

Desiring to contribute to the strengthening of peace and understanding among peoples and to the spiritual enrichment of the human personality without distinction as to race, sex, language or religion.

(pg 113 Conference on Security & Cooperation in Europe Final Act)

I here submit material about the Moscow Symposium on Jewish Culture in the Soviet Union which took place December 19-21, 1976 and the Soviet's reaction thereafter. Jewish professionals, especially scientists, have been dismissed from their positions in the universities and at research institutes after applying for emigration. They are forced to remain out of work for a long time, yet have been unable to leave. In addition to their poor material situation Soviet authorities do everything they can to bring them to spiritual stagnation and professional disqualification. Their attempts improve their condition by organizing scientific seminars and publications of a magazine devoted to the problem of Jewish minority in the Soviet Union (Jews in the Soviet Union) are met by strong opposition from the authorities, including the opening of formal charges, arrests of those taking part in cultural and scientific activities, etc.

The attempt of Soviet Jewish activists to organize a special Symposium in Moscow deserves special attention. Representatives of the Soviet Ministry of Culture, Soviet Cultural Workers, as well as lecturers and guests from overseas were openly invited to participate in the Moscow Symposium. But the Soviet authorities did their best to prevent the symposium from being held. Foreign guests were not granted visas

to enter the Soviet Union or their visas were cancelled. Tourists who did obtain visas by accident during those days were expelled. The majority of the symposium participants were held under house arrest and therefore those of the symposium participants who were not detained held the symposium session, that lasted only a few hours. Soviet policy states that Hebrew is the language in which Jews pray. Thus, State freedom of religion leaves no legal grounds for preventing the teaching of the Hebrew language as long as there is freedom of worship and freedom of religion. However, although the language is illegal, no teaching is done and no text books exist. As a matter of fact, texts brought into the Soviet Union are being confiscated as Anti-Soviet material. Their owners are arrested, interrogated and fined. Western radio broadcasts of Hebrew are constantly jammed, a serious violation of the Helsinki Accord.

MATZOH

The recent Soviet decision to ban any importation of matzoh (unleavened bread eaten by Jews during Passover) is a clear-cut example of the Soviet policy to deny Soviet Jews the right to practice their faith, and cultural and religious tradition. It goes without saying, that no Passover Haggadahs, prayer shawls and other essential item proper for the celebration of the religious holiday aren't being allowed to Soviet Jews.

RECENT INSTANCES OF ANTI-SEMITISM

Anti-Semitism in the Soviet Union has deep roots, in lack of tolerance to strangers and particularly Judaism, as described by Trotsky and Kruschev. There are various publications on the Soviet Union which ever describe Jewish history and Zionism which expand beyond their original titles and receive criticism from such loyal communists, as Vergelis, the publisher of Sovetish Heimland.

Recently there was a film shown in the Soviet Union, January 22, 1977, called "TRADERS OF SOULS" -- shown in prime time, it was saturated with different images, cartoons and clear negative pictures of Jews. People were shown with information about their addresses, telephone numbers and even their bank accounts. One person, Yuri Kosharofsky, opened a case against Soviet TV. We have little hope he will win the case, but the suit is an interesting new step, calling a Soviet institution to trial.

The anti-sinitic campaign in the official mass media continues -- Publications with no difference from those of the grim Nazi period -- appear in the mass media under the guise of anti-Zionism or anti-Religious propaganda. A certain Prof. Yemeliano, employed by an official organization as a lecturer, has been known lately for his public lectures about Zionism which are full of malicious allegations directed against the Jewish people, their national heritage, their religion and history -- all in the manner of statement once made by the Nazis.

In addition, this film actually starts with the opening picture where Lenin is being shot. Of course, the present emigration effort has nothing to do with the 1929 attempt to assassinate Lenin. One could equate this accusation with the medieval "blood libel" since Lenin has been catapulted into national adoration. Linked with photos, names and addresses of Jewish activists, this can only be interpreted as an invitation to Soviet citizens to harass Soviet Jews whose only wish is to emigrate to Israel. This is a clear move to incite the general population against the Jewish activists.

The final point is the Helsinki Final Act. East European States had a meeting two weeks ago to prepare for the Belgrade meeting. There were several reports afterwards. Some articles were identically printed in Pravda and Izvestia. The four points they tried to present to disclaim any failures.

- 1) The so-called dissidents committed anti-Social Acts which cannot be excused by the Final Act.
- 2) The principles of human rights should be considered within the framework of other principles; i.e. no principle of the Final Act can contradict the other, such as suzerainty and non-interference. But, according to Soviet official definition of suzerainty, as soon as the State signs an international agreement, it becomes the law of the land and thus there is no question of suzerainty or non-interference is applicable in this case.
- 3) The meeting in Belgrade, which is actually intended to exchange experience and achievements; therefore, they are very puzzled as to why Bukovsky should be of assistance to those people. Izvestia skipped this reason #3.
- 4) The Final Act was intended to increase responsibility for peace. Somehow the Soviet Union thinks Western support for human rights may contribute to the deterioration of detente.

In a recent article published on March 9 in which correspondent Andronov had an interview with Al Friendly, his final conclusion was that the present Carter support of human rights should not be taken too seriously -- recalling that President Kennedy opened his administration with the "Bay of Pigs." Andronov implied that Carter may well mellow with cajolery and pressure.

The Helsinki Agreement does not have the operational formulation which would demand compliance, but the Final Act contains no inner contradictions.



THIRD WITNESS: PROFESSOR WILLIAM FLETCHER -- Director of Soviet Studies
University of Kansas (Baptist)

Let me preface my remarks by replying to three questions that have been raised:

1) HOW MANY RELIGIOUS BELIEVERS ARE THERE IN THE USSR?

In the last three years or so, I have read "two metric tons" of Soviet Sociology of religion, surely the world's dullest literature: field studies conducted by atheists, by academicians -- these data are not generated by any interest group in the west. The best conclusion, based on these data, is that there are approximately 45% of the population of the USSR who believe in God, about 115,000,000 people who are religious in one sense or another.

2) DOES PRESSURE DESTROY OR PROMOTE RELIGIOUS BELIEF?

According to the last data -- 1937 census which asked "Are you a believer or not?" (census later suppressed, allegedly for improper procedures) a pretty fair guess would be 80-90 million believers, which means that despite intensive pressure for last 20 years, there has been a net gain in the number of religious believers.

3) WHAT IS THE AFFECT OF PRESSURES ON CHURCHES?

As a scholar, I have no data on that question; but, as a believer myself, I'm not worried; I'm fairly optimistic as you're about to see from my presentation.

First, I'd like to give a brief outline form -- one protest movement among the Russian Baptists as an illustration of the commonalty of concern of all religious people, indeed all people of good will in the Soviet Union. The Russian Baptists are the only Protestant denomination allowed to exist on a nation wide scale. In 1960, as a part of the Krushchev anti-religious campaign, certain changes were made in the legal church -- The All-Union Council of Baptists. These changes included: elimination of proselytism (no more growth), fewer sermons, no baptisms under age 30. Obviously this is not in the Baptist tradition anywhere in the world, and a strong protest arose. By 1961 this protest had become organized. On August 16 a document issued by the Initsiativniki (meaning initiative-niks, because they were taking the initiative to correct the situation.) The movement grew like fire -- within a matter of months similar documents supporting the Initiative-niks were appearing all over the Soviet Union from western boundary to Vladivostok. It became, in effect, a competing movement within the Russian Baptist Church.

Two points were at issue ---

1) The legal authorities of the Baptist Church (the leadership)

- had failed to resist improper encroachment by secular authorities
- 2) In the petition to the government, they made an impressive case that the government was not abiding by its own laws on religion.

This was the basis of the protest, which developed very rapidly. By 1963 it had become so serious that the State made the then un-heard-of tactic of offering some limited concessions to the legalized Baptists in order to draw off the moderates from the Initiative-niks and then using the power of force, harassment, imprisonment against the most active. In 1965, this group had invented another unprecedented tactic in the struggle for human rights in the Soviet Union - a committee of relatives of prisoners of the Initiative-niks was formed, totally clandestine, and it began to further documentation on the many known cases of arrest, trial and imprisonment. By 1969 matters had progressed to such a point that, in fact, there were two Baptist Churches: The legalized Baptist Church and the illegal Initiativniki.

It illustrates the point that --

- 1) None of us in the West are properly aware of: if you are looking for the struggle to obtain human rights in the Soviet Union, you look to the religious communities. They are the pioneers in terms of Samizdat (Baptists were doing that before the war). Others discovered Somizdat only in the late 60s. In terms of data gathering, this was not invented by the chronicle of current events group among the secular intelligentsia but three years earlier by the Baptists. In terms of trying to provide legal and philosophical justification for arguments in favor of their protest, you look to the religious communities. Most Americans are relatively unaware of religious dissent, thinking of the Sakharovs and Ginzburgs as the pioneers, but the groups we are studying here today are the vanguard groups. If this fact could be gotten across to the President, the Congress, the American people, this would be very useful to promote a more correct view of what it is we're up against. One further point on Initiativniki: in nearly every case, the point at issue is shared with most of the secular intelligentsia. These people were not promoting obscure or arcane internal hassles. They were going to the heart of certain issues which apply to all religious groups -- Christians, Jews, Muslims, Buddhists and others. So, one of the most useful things we could accomplish today would be to examine issues which are common to

all religious people -- indeed, to all human beings living in the Soviet Union.

Perhaps, it is improper for me to suggest, but if I had my way about questions that should be brought up for Belgrade about Basket Three, I would suggest three simple points that could be reasonably insisted upon-- three achievable goals. This is not to suggest, that these are necessarily the most important negotiative principles. These are practical things by which we might do some good.

1) Freedom of Movement, a question that is basic. If somebody is in an intolerable situation, he should have the right to leave; something, I think, every Christian, every person of good, must support, must encourage, indeed, be gratified by the leadership of the Jewish Community in achieving some token amelioration of this. Let's make this an issue for Basket Three.

And, we might hope to get some little success by expanding the issue to include the freedom to travel -- one of the great thirsts in the Soviet Union of any denomination is contact with fellow believers. This is true of Pentecostals, it is true of Jews, of Islam. Should not a human being have the right to consult with a friend? If we can take this one issue of freedom of movement and put some encouragement to expand this into what the entire civilized world is used to -- I mean, this is the global community! We are not living in the dark ages. People have a right to travel!

2) The question of registered churches -- a matter Prof. Bird brought up very cogently. What good is the 1936 Constitutional Guarantee (that all Government citizens have the right to religious worship) if they are not allowed legally to meet together to worship?

I would guess that this is one point that might be achievable: to press for the Soviet authorities to increase the number of registered churches -- I have always found it strange that the Brezhnev government has remained so faithful to the strangest policies of the Khrushchev regime, i.e. the radical reduction in the number of churches. Between 1959 and 1965, as nearly as I can tell, the number of Orthodox churches was reduced from 15,000 to 7,500. The number of Baptist churches was reduced from nominal 5500 to a nominal 3200. The Lithuanian Catholics lost one-half of their churches (correct me if I am wrong). The number of Jewish synagogues-- I need not tell you -- was reduced during that five year period from more than 400 to approximately 40 today. The same is true of every other denomination, most emphatically, including Islam in which, at most, there

are maybe 400 mosques, to serve 35 million believers.

It seems to me, that it is not entirely against the best interest of the Soviet State, regardless of differences I may have with their ideology, to urge that they implement this measure to increase the number of permits for houses of worship.

3) The matter of religious education: It is exceptionally strange in the Soviet Union that it is illegal to give religious education to anyone under 18. Surely this is nonsense for any civilized society. Surely some encouragement could be given to the Soviet State to rectify this most extraordinary restriction against the basic human right of bringing up your own children as you see fit.

I would suggest then, that these three points might be enough. We could be able to do some good when we advise our leaders and our fellow Americans and others in the Western world, as to what we mean to accomplish this summer.



FOURTH WITNESS:

PROFESSOR HOWARD GREENBERGER
New York University Law School

Let me begin by reiterating what Sr. Ann and Prof. Bird have so well summarized before -- The Soviets have a disarming tendency to always argue that any claim that we make about human rights is "an internal affair" and, therefore, beyond the scope of criticism by international humanitarians. The fact is, however, that the Helsinki Act culminates a series of international agreements that the Soviet Union is bound to adhere to by their own freely exercised agreement. Starting with the United Nations Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Racial Discrimination in 1965, The International Covenant on Civil and Political Rights of 1966 and finally ending with the Helsinki Final Act of 1975, which almost word for word picks up the language of some of these preceding very important, very essential humanitarian Acts. For instance: the Declaration of Human Rights in Act 18 "preserves everyone's right to freedom of thought, conscience and religion" and goes on. The principle is reiterated in the Covenant to Prevent Racial Discrimination almost in the same language of the Helsinki Final Act; namely, "the right to freedom of thought, conscience and religion." And you might go through a number of the articles of the other documents. In these also cultural rights are mentioned -- the right to nationality, the right to participation in cultural activities are mentioned in the Convention to Prevent Racial Discrimination. Finally, the Helsinki Final Act incorporates in substance these guarantees from the earlier acts.

First --- I wish to discuss briefly the present state of organized Jewish religion in the Soviet Union. To put it in focus, we must turn the clock back to 1917. It's hard to believe that period, under very vicious totalitarian tsars and state is a place to start for the sake of comparison with present conditions in the Soviet Union. However, in 1917 despite a history of anti-Semitism and very stringent controls on Jews and Judaism there was a vibrant and communal Jewish religious life. There was a host of seminaries, synagogues, Jewish and Yiddish press, Yiddish theatre, cultural exchanges, emigration rights and education of the young.

In the Soviet Union today -- there is no central organization; no federation of congregations is permitted for those that still exist. No communication is permitted among the various Jewish communities in the USSR. Not a single religious publication is allowed, whether in

Hebrew, Yiddish or Russian. No Hebrew bible has been authorized or published since 1917. As best as we can tell, there are three or four very aged rabbis (one is in his 80s); no edition of our siddur or prayerbook was published between 1917 and 1956. In 1956 a single edition of 3000 copies was authorized and indeed published, the only publication since 1917 of any prayerbook. Obviously, no government aid is given. That may not mean so much until you realize no publishing house may publish and no paper is available for publishing. The manufacture of prayer shawls, phylacteries, matzoh is practically forbidden. As best as we can tell, there was one synagogue and one rabbi perhaps for each 25,000 worshippers based on a 1960 estimate. We have already received testimony from Prof. Fletcher about the closing of numerous synagogues since then. In any case, the number of rabbis has declined. Regarding their Yeshiva, from Russian testimony, it is supposed to have about four students, but it has graduated no rabbis; so there is a question about whether it even exists. No foreign contacts are permitted. There has been one visit by the Chief Rabbi of Moscow recently in the last year or two --- the only visit outside the Soviet Union in many years. Even the import of religious articles has been interdicted or confiscated. I wish to emphasize, if I may, that the number of Soviet Jews presently able to read or speak Yiddish has dwindled considerably. This is not surprising, when you realize that the education of the young has been prohibited from the inception by the Soviet State and, therefore, the number probably in the population as of 1970 is less than 400,000. Thus when you read or hear that the USSR has two publications in Yiddish (Sovetish Heimland-- published monthly) and a small thrice-week paper in the so-called autonomous Jewish Republic. That sounds impressive but in reality, is very little. Nothing like either of these publications, as limited as they are, is published either in Russian or in Hebrew. Thus the ability to understand anything like that becomes very limited. Since 1959 two dozen books have been published in Yiddish for this very limited audience and since 1970 none at all. No literature in Hebrew is published. The Hebrew language broadcasts have been jammed and no relevant Jewish publications are printed in Russian. Basically one could summarize the present situation of Jewish life in Russia by saying that it doesn't exist -- from cradle to grave.

I would just be belaboring the point by mentioning a few instances since 1975 and thereafter which is, of course, after the signing of the Helsinki Final Act.

The Rosh Hashnah demonstration outside the main Synagogue in Moscow in 1975 -- and later similar fracas around Sukkot time in 1975 -- indicate police and plain clothesmen not only involved but actually prime movers in a rather unseemly fracas.

Next, there is the continuing squabble about matzoh. In 1976 they prohibited the manufacture of matzoh because they claimed the old men who baked it were making money from this illegally -- therefore in one place especially the men were deprived of their pension. Some years, as in this year, they claim to have made provisions for the baking of matzoh in the three towns of: Moscow, Leningrad and Kiev. So they now prohibit the importation of any alimentary dough or flour. The viciousness of this can be seen when you realize that in small towns there will be no matzoh at all.

I mentioned "cradle to grave" because of the continuing problem in conducting Jewish funerals; any kind of Pesach or Chanukah celebrations, etc. There have been arrests, seizure of Hebrew publications. There was one terrible situation in a little town in Moldavia where the authorities destroyed a Jewish cemetery and prohibited any burials there and arrested a few persons who attempted to bury their dead in the old cemetery.

It goes on like a litany -- Kishinev to Kiev to Saratov --they've done everything they could to eliminate Jewish life; but it still seems to spring back.

There's no doubt we're interested in emigrating -- but we're also very interested in a meaningful Jewish life for those who wish to stay. Unfortunately hope becomes dimmer every year and I might say, I completely concur with Prof. Fletcher's suggestion regarding an emphasis on two or three major points that probably could be obtained to alleviate the situation for so many Soviet Jews who probably wish to remain.

Marc,

For shortening
or amending in
any way Selma
or you or anyone
else sees fit Richie's
remarks at the
NEC

Stanley

NOTES FOR R. MAASS' REMARKS
AT NEC, OCTOBER 1983 - ALSO AS REFERENCE
FOR HIM AND OTHERS FOR FUTURE PRESENTATIONS - SIDNEY LISKOFSKY

Jews, as individuals and through their representative bodies, have a long and intimate connection to the ideal and the movements for human rights, in both their national and international expressions. The closeness and the continuity of that connection has obviously much to do with their experience as a vulnerable minority over the centuries in many lands. But that melancholy history is not the entire explanation, for the connection has deep and wide roots in our religious tradition and ethic.

America's own connection to the human rights idea and ideal is also equally close, reaching back to our founding as a nation. Our Declaration of Independence, you will recall, speaks of "inalienable rights" to life, liberty and pursuit of happiness, to which "all men" are entitled. And whatever may have been our sins of omission and commission, ~~and they have been many~~ our country's involvement with human rights has been a continuing theme throughout our national history - from our 19th century "humanitarian interventions" (as the international lawyers label them) on behalf of persecuted Christian and Jewish minorities in the Near East Lands of the Ottoman Empire to the recently-ended Helsinki Accord compliance-review conference in Madrid. Incidentally, the record up to World War II of our country's humanitarian interventions (today we might rather describe them as "intercessions") on behalf of Jewish minorities are recorded in a source-book the American Jewish Committee commissioned many years ago under the title, "With Firmness In The Right."

AJC, as we all know, was founded 1906 in response to denials of Jewish rights and to programs in Czarist Russia. The U.S. Government reacted indignantly to those events by abrogating a commercial treaty with that country. How sad and ironic ^{that} eight decades and an earth-shaking revolution later ^{carried out} in the name of equality, justice and brotherhood in that same country ^{Heaven} ~~yet~~ we remain locked in moral conflict with it over its denials of the human rights of Jews and others.

AJC leaders, among them the noted constitutional lawyer, Louis Marshall, were deeply involved in the human rights-related plans and debates at the Paris Peace Conference and in the aftermath of the First World War. In 1945, at the UN Founding Conference in San Francisco, under the leadership of Jacob Blaustein, our organization played a leading role, together with the then Federal Council of churches, the AFL and other civic organizations, in making the promotion of human rights and fundamental freedoms for all a principal purpose of the new world organization. And in the years that followed, up to the present, we have endeavored in many ways -- through research, education and advocacy -- to advance that purpose.

One of our important vehicles has been The Jacob Blaustein Institute for the Advancement of Human Rights, created in 1971, to honor and perpetuate the memory of Jacob Blaustein by encouraging projects in those areas, especially human rights, with which he was closely identified. Working with and through academic institutions and non-governmental organizations in our own and other countries, The Blaustein Institute has sponsored scholarly undertakings designed to clarify basic concepts or issues relating to human rights and, in the process, to advance particular standards. It has initiated projects intended to encourage the use of international human rights principles and institutions to bring moral and political pressures to bear in support of victims of human rights denials; to enrich the human rights content of teaching in primary and secondary schools, and in college-level and graduate-level education; to develop a constituency, including young people, qualified and committed to work for human rights; and to strengthen human rights advocacy organizations. Many of our projects have culminated in valuable publications.

* * *

Optional: Examples of Specific JBI Projects

In 1972, at the University of Uppsala in Sweden, the JBI brought together a large assemblage of eminent international law scholars and human rights experts to discuss the question of freedom of movement on the world scene. A declaration adopted by the conference, with our own Jerome Shestak chairing the drafting committee, focused world attention on the refusal by some

countries to permit their nationals to emigrate - a clear violation of the international law of human rights.

The following year, we sponsored a colloquium in New York City to explore policies the U.S. should pursue to further implement the 1975 Helsinki Accord particularly to consider how the U.S. should prepare for the next compliance review conference, scheduled for November 1980 in Madrid.

In 1974, we convened a conference in Montreal, Canada, to discuss the place of human rights in Jewish tradition and experience, and several years later, in 1982, another Mount Kisco, New York, to explore their place in other religious traditions.

In 1981, we sponsored a text-book on the International Covenant on Civil and Political Rights, to provide an authoritative interpretation of its principles. Our purpose was to safeguard its libertarian and humanitarian spirit and intent against pressures by political and ideological forces inimical to them, particularly important in the early stages of the implementing process provided for in the Covenant.

In 1980, we established an Andrei Sakharov Fellowship to encourage scholarly or other pursuits related particularly to his human rights endeavors and ideals. The first award in 1981 went to Dr. Vratislav P^rechota, an eminent scholar in international law, for a study of "The Right to Know One's Human Rights," one of the most important principles of the Helsinki Accord. We are privileged to have Dr. Pechota among us this evening, and to announce the publication in a Blaustein Institute brochure of an abridged version of his study, even as ^{we} await eagerly the completing of his larger study.

A second Sakharov award, for 1982, was made to Valery Chalidze, a Soviet human rights activist and scholar, who in 1970 founded with Andrei Sakharov the Moscow committee on human rights. He undertook to write for us a retrospective work, with reflections on the future, concerning the Soviet human rights movement. We look forward to its publication in some form -- a first draft is completed -- within the year.

* * *

11

Wind-up

Jacob Blaustein left us and the world a valuable heritage through his many roles in his lifetime in support of the rights and freedoms of Jews^{and} of all human beings. With the Jacob Blaustein Institute, his family has established a fitting memorial to him. We take pride in it.



December 19, 1983

MORAL CONSIDERATIONS: THE VALUE OF HUMAN LIFE
STATEMENT OF RABBI MARC H. TANENBAUM
DIRECTOR, INTERNATIONAL RELATIONS DEPARTMENT
AMERICAN JEWISH COMMITTEE

My experience on three fact-finding missions with the International Rescue Committee to all of the refugee camps in Southeast Asia literally changed my life. My exposure to the Cambodian problem began in December, 1978, when I went to Aranyaprathet, which was among the first major camps in Thailand that received several thousand Cambodian refugees.

I walked through the medical clinic and saw some 125 men, women, and children in that desolate clinic starving, children who were bags of bones, with bloated stomachs, hair turned orange by virtue of protein malnutrition. I saw a mother who was a starved wraith of a person, and yet going through the ritual of putting the flap of her breast into the mouth of a child, and she did not have enough nourishment to sustain her own life. Both of them collapsed and died. And I saw one physician and one nurse running through that clinic, trying to ward off death, and in most cases unsuccessfully.

That was an experience whose only antecedent for me was Bergen-Belsen and Dachau. These were the same starved bodies, wracked with fever and disease, of Jewish men, women, and children. The only difference now was the pigmentation of their skin.

As an American Jew, as a Jew, I came away from the Nazi experience with an obsession that is an obsession for most Jewish people today; it is epitomized in a paraphrase of a verse in the Book of Leviticus: "You shall not stand idly by while the blood of your brothers and sisters cries out to you from the earth."

It is simply inconceivable that we are here calmly discussing statistics and conventional approaches as though this were just another social problem. It is inconceivable to me that 40 years after the Nazi Holocaust that the international community can respond so blandly to the destruction of millions of human beings in Cambodia and elsewhere, and then consider casually -- as if it were a daily weather report -- the horrendous fact that if this food is not gotten through in the next few months, some 200,000 people will die, and by extrapolation an estimated two more million people may well perish before our eyes within the period of the next several years or so.

I simply cannot understand how the international community can go on with its conventional affairs and not feel the urgent sense that the sanity of mankind is at stake here.

That really is the issue -- whether the human community can continue to indulge the conceit of regarding itself as sane and civilized and endure the reality that there are now several million people desperate for food and haven, whose very lives hang on having food brought to their mouths now, at this moment.

The world refugee problem is enormous. A total of 12.6 million people were refugees from their homelands or displaced from their homes within their native countries ('internally displaced peoples') at the beginning of 1981. While in recent months the world's attention has been focused on the plight of Southeast Asians -- the Vietnamese boat people, the Cambodians, the ethnic Chinese, among others -- the most tragic, 'life-threatening' refugee problems today are to be found among the 6.3 million refugees and displaced persons on the African continent.

According to the '1981 World Refugee Survey' published by the United States Committee for Refugees (on whose Board of Directors I am privileged to serve), the worldwide refugee total dropped 3.4 million over the last year, because of the improving situation in Southeast Asia, where millions of Cambodians who were displaced by war and famine have returned to their farms. But in Africa, whose 53 countries number among the poorest in the world, the number of refugees and displaced persons jumped from 4 million to 6.3 million as a result of political turmoil, religious-ethnic-tribal conflicts, and a spreading catastrophic drought. Africa today has one refugee to every 75 people.

About a fourth of all Africa's refugees are in one country -- Somalia. More than 1.5 million people have crossed the borders of this small country (with an original population of 3.6 million) seeking refuge from the war between Somalia and Ethiopia over possession of the arid Ogaden region. The land they are leaving, as well as other East African countries -- Ethiopia, Djibouti, and Sudan -- is in the grip of a persistent drought which has forced thousands of people to move for survival.

In this barren region of Northeast Africa, there are now some 3.9 million refugees and they represent one of the world's largest concentrations of suffering peoples. Except for the major international relief agencies and the Christian and Jewish refugee agencies who are involved in seeking to bring relief agencies who are involved in seeking to bring relief to these tragic human beings, the plight of the Somalian and other African refugees is virtually unknown to most people. Tens of thousands will surely die before the world wakes up and responds adequately in time to save their lives.

In Southeast Asia, there are still 700,000 Cambodian refugees in camps in Thailand and on the Thai-Cambodian border. In addition, the flight of Indochinese to other Asian countries persisted through 1980 and 1981. More than 160,000 refugees escaped from Vietnam and Laos, among them an estimated 75,000 boat people. The flow from both countries continued at a rate exceeding 10,000 a month during the early months of 1981. (Since 1975, more than 1.6 million refugees survived their flight from Vietnam, Laos, and Cambodia. The number of those who died during the exodus is huge, probably in several hundreds of thousands, although there is no way to count them.)

It should be noted here that the response of Catholic, Protestant, Evangelical, and Jewish leaders and institutions to the Southeast Asia tragedy was one of the glorious chapters in the history of these religious bodies in this century. Since 1975, some 400,000 Southeast Asians have been resettled and rehabilitated in the United States alone, and 70 per cent of these human beings were sponsored, resettled and rehabilitated -- restored to their human dignity -- by such groups as Lutheran Relief Service, Catholic Relief Services, Church World Service, World Vision, and the American Jewish Joint Distribution Committee and the Hebrew Immigrant Aid Society.

That life-saving program was a translation into human realities of the basic Biblical affirmations of the dignity of human life and love of neighbor that is inspiring in itself, but, equally important, is a paradigm for our future collaboration in seeking to humanize the conditions under which so many millions of fellow human beings are forced to exist, frequently through no fault of their own.

It should appropriately be acknowledged that Denmark, Norway, and Sweden rank among the top contributors to the United Nations efforts to help refugees, when measured on a per capita basis. (The United States accepted more refugees -- 677,000 -- than any other country but ranked fifth on a per capita basis. The USA also contributed more money than any other nation in refugee aid, but on a per capita basis ranked 12th in its financial contributions. Israel accepted one refugee for every 37 residents, and Malaysia, Australia and Canada also accepted more refugees per capita than the United States.)

In looking to our common work in this area of vital moral and human concern, we need to ponder our responsibilities for saving lives not only in Africa, but in Pakistan as well. Next to the Somalian refugees, the plight of 1.4 million Afghani refugees who fled to Pakistan after the December 1979 Soviet intervention represents one of the great tragedies of our time. To complete the picture of human tragedy, we should know of the magnitude of the world refugee situation: Asia and Oceania, 2 million; Africa, 6.3 million; Middle East, 3.5 million; Latin America, 240,000; Europe, 350,000.

The world hunger and population problems are also part of the refugee complex of problems. Despite the recent heroic efforts to provide massive food supplies -- in which Christian and Jewish institutions also played a leading role both morally and practically -- some 800 million people in Asia, Africa and Latin America continue to starve or suffer from severe malnutrition. It is estimated that several million people will die from hunger during the coming year in the developing countries.

The world's present economic condition, Robert Heilbroner writes, resembles an immense train, in which a few passengers, mainly in the advanced capitalist countries, ride in first-class coaches in conditions of comfort unimaginable to the enormously greater numbers crammed into cattle cars that make up the bulk of the train's carriages.

For Western civilization with its liberal, humanitarian ideals and for peoples with our unambiguous Jewish and Christian ethical heritages to temporize in the face of the greatest moral challenge in the last decades of the twentieth century is to risk the betrayal of everything morally meaningful that we profess to stand for. What is at stake in the way we respond during the coming months and years to this unparalleled world famine is our capacity to arrest the cycle of dehumanization and callousness to suffering that is abroad in the world, ultimately affecting all peoples. We need to set into motion forces of caring and compassion that are the singular qualities without which an emergent interdependent -- and peaceful -- world cannot be sustained.

The Christian and Jewish communities, I believe, in concert with other cultural forces in our societies, can make a distinctive contribution, namely the definition and articulation of a new 'Ethic of Scarcity' for peoples in our Western (and other) societies. The Western nations, in particular, have been blessed since their founding with what appeared to be almost limitless natural

resources and raw materials. We seem to have been living on a set of unexamined assumptions that constitute an 'Ethic of Abundance' which has rationalized and justified endless consumption, self-indulgence, and permissive hedonism. The waste at our business and social functions -- conferences, conventions, weddings, confirmations, barmitzvahs, even funeral wakes -- have verged on the scandalous, especially when seen against the background of the needs of the world's starving masses. We have in fact entered a new experience of growing scarcity of resources and energy supplies as a long-term permanent condition, and our nations require a definition of values and human priorities that will result in greater self-discipline, restraint, and a genuine motivation to share out of a more limited supply of the earth's goods.

The cruel irony is that there is the capacity to provide that food now. The whole issue of whether human beings will be kept alive or will die depends on politics and ideology, that is, the callous presumption that business is usual.

In my perspective of moral philosophy, states and ideology are created for the sake of serving human beings. Human beings are not created for the purpose of serving the state or politics or ideology. To the degree that the international political conflict represents an obstacle to saving lives, to that degree does that conflict represent a central moral and human issue which world leadership must resolve. The saving of human lives is the supreme issue, not the shoring up of one or another regime.

As Leo Cherne has made clear, as the Catholic Relief Services and others have made clear, the food can be made available today. The funds have been allocated. But if we allow this issue to continue to be another routine political problem, it will be months before that food will be gotten through. That means that tens of thousands, perhaps hundreds of thousands, of human beings will die before our eyes, and to me that is a moral obscenity. I cannot see how the human community can allow that to go on without recognizing the price we will pay in moral anarchy.

The whole question of the value of life is at stake, and the whole meaning of human existence is at stake.

How many Nazi holocausts, how many genocides can the world endure and regard itself as worthwhile to continue?

It seems to me that it is absolutely essential that in addition to the extraordinary contribution made by the American people and Congress -- whose record has been, I think, one of the most glorious chapters in American history in terms of reflecting the generosity of American people and concern for this issue -- that an initiative must be taken now, not two months from now, now, to bring about an emergency conference through the United Nations of the major nations of the world, including the United States, the Soviet Union and Vietnam and Cambodia and China, before whom the issue of life and death survival is put.

There was a conference in April 1981 of the international community regarding Vietnamese boat people. it did make a difference.

I am persuaded of we can create that kind of forum on which the eyes and ears and concern of the world are focused -- above all, on those nations who are standing in the way -- that some battering through of resistance must take place now, not three months from now. To that end, we have discussed today a proposal

for a meeting with the U.N. Secretary General. This is the time of the winter solstice, which is the darkest period of the year. But it is also a period of light, and in this moral darkness we must find a way to bring some light to these people by calling a conference shortly -- it is a little more important than even holiday vacations -- to make it possible for us to save as many lives as we can day by day.

I just want to say in closing, Mr. Chairman, that there is a proposal for organizing a truck convoy, an international truck convoy, and I am hoping that we can do everything possible to assure that that takes place within the coming weeks, and that we realize that the time factor is critical for the survival of a great many human beings.

In my work I travel throughout the United States. The American Jewish Committee conducts interreligious programs with Catholics, Protestants, Evangelicals, Greek Orthodox, Black churches, Hispanics, and Muslims in almost every city in the United States. I have been traveling through virtually every city in this country since I have come back from Southeast Asia, helping organize Christians and Jews in programs of sponsoring refugees, of receiving refugees, organizing programs for rehabilitation, jobs, housing, medical care, social welfare, education, legal aid.

I have never seen such a mood among the American people of care and compassion and wanting to be present to relieve the suffering and hurt of so many millions of people.

The Catholics, Protestants and Jews in this country have already brought to this country 75 percent of the nearly half million refugees who are here since 1975. Christians and Jews have become a "community of conscience," and with the leadership of Congress and groups like the International Rescue Committee, I think we can really make a fundamental difference in saving human lives and restoring some sense of personal confidence and trust and meaning about being a human being in the kind of world in which we live today.

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A RESPONSE TO THE PROPOSED RESOLUTION ON

"Violations of Human Rights and International Law"

Submitted to the Governing Board of
National Council of Churches of Christ in the USA
by the
Antiochian Orthodox Christian Archdiocese
of New York and All North America



Prepared by

American Jewish Committee

Anti-Defamation League of B'nai B'rith

Synagogue Council of America

New York, New York

November 1, 1979

The proposed resolution on "Violations of Human Rights and International Law" submitted to the National Council of Churches of Christ in the USA by the Antiochian Orthodox Christian Archdiocese of New York and All North America is a gross and deliberate misrepresentation of fact and history. Not only are its assertions concerning the "law" careless or simply incorrect, its "facts" and figures manufactured, and its sources either biased or misquoted, but the transparent intent of its language and allusions is to inflame. In the interests of a highly politicized, propagandistic effort to single out the State of Israel as the major villain on the international scene, history has been ignored, reality distorted, and Israel judged by standards not applied elsewhere. The unexplained, unspecified, and undocumented charges of "defiance of international law" and "violation of the Human Rights of Palestinians and other Christians and Muslims in the Middle East" in the resolution's preamble exemplify the familiar pattern of vicious anti-Israel rhetoric.

Moreover, the resolution is a disservice to the cause of true reconciliation. Not only does it ignore the signs of hope represented in the current Middle East peace process, it stands opposed to the very procedures by which peace has been achieved: dialogue, accommodation, and mutual recognition. Rather than advancing the cause of genuine human rights, the adoption of this resolution would have the unfortunate effect of strengthening the hands of those extremists who manipulate the language of human rights to further their true objective: the destruction of the State of Israel.

The resolution is discredited by an objective analysis of the "clear evidence" which the authors present to support their false claims.

1. The resolution compares the status of Christians and Muslims in Israel with that of Blacks under apartheid. This is patently false. The United States Department of State's 1979 Country Reports on Human Rights Practices characterizes Israel as a "full fledged parliamentary democracy with extremely high standards of justice and human rights". In its 1978 study, Freedom House, the non-partisan institution that monitors the state of freedom around the world, identified Israel as the only "free" society in the Middle East.

Israeli law applies equally to all its citizens -- Jews, Christians, and Muslims. Israel's more than 500,000 Arab citizens have equal voting rights; Arabic is an official language of the State. Each religious community enjoys not only the right to freedom of worship, but the right to exercise its own religious legislation in matters of personal status, and the right to have its own religious educational system that parallels or supplements the State system. Indeed, among the countries of the Middle East, Israel alone guarantees freedom of religious belief and observance to all its citizens.

Equality under the law in Israel also has a tangible impact upon the lives of its citizens. As the State Department Country Reports note: "average per capita income among Arabs in Israel is probably higher than in any of the surrounding countries..." Moreover, 90% of Arab children attend school (compared to a figure of 45% before the creation of the State of Israel in 1948).

2. The question of Israel's "annexation" of Jerusalem and the status of that city in international law is not germane to the issue of human rights with which the resolution purports to deal. This question can be properly discussed only in the context of international law. There is an extensive literature on this subject, and we would refer interested parties especially to Mayor Teddy Kollek's article "Jeruslaem" in Foreign Affairs (July, 1977).

The specific accusations that Israel has "systematically bulldozed Christian and Muslim homes in order to 'Judaize'" Jerusalem is both pernicious and false. The use of the term, "Judaize", clearly reveals the bias and animosity which pervades the resolution. The use of the name, "Jew", or the name of any other group as an expression of derogation and opprobrium betrays an attitude of contempt and hostility.

The only evacuations of more than a few individuals took place immediately after the 1967 War when Israelis entering the ancient Jewish Quarter of Jerusalem (where Jews have lived and prayed for many generations, but from which they were totally excluded as a result of Jordan's occupation of the Old City from 1948 to 1967) found the wanton destruction of Jewish schools, synagogues, and rabbinical seminaries. The Israelis discovered that squatters had established makeshift hovels in the ruins. The Israeli Government cleared the ruins in order to reconstruct the Jewish Quarter, but granted the squatters compensation and alternate housing.

The charge of "systematic bulldozing" of Christian and Muslim homes is untrue. According to the International Committee of the Red Cross, a dozen homes were demolished in the last two years, almost all for urban improvement and development. Compensation was given to the owners. This is an extremely low number for a thriving city of over 300,000 inhabitants.

Jerusalem Mayor Teddy Kollek's policy of "unhindered development of the Arab way of life in the Arab sections of the city" has manifested itself in Muslims administering Muslim Holy Places and Christians administering Christian Holy Places; in a free Arab press of three daily newspapers; in an Arab curriculum in the schools for Arab children; in the building of Arab vocational training schools; and in the right of Arabs of Jerusalem to remain citizens of Jordan as well as citizens of Jerusalem.

Constructive thinking should be directed toward developing concepts and programs to improve life for all the city's residents, rather than return Jerusalem to its unhappy past of barbed wire fences, mine fields, and concrete barriers.

3. The charge of Israel bulldozing "hundreds of Arab villages" is presented without any documentation. Moreover, the resolution is unclear as to where the alleged acts took place, whether in Israel proper, or in the West Bank or the Gaza Strip. (The latter areas are discussed in the context of settlements in response to section 8 of the resolution.)

If the resolution refers to Israel proper, there is, to our knowledge, no substantiation for this implausible accusation. The language in which this canard is presented is itself inflammatory. To refer to Jewish settlement within Israel as "expansion" and "colonization" reveals the basic hostility of this resolution.

4. & 5. As to charges that Israel is guilty of improprieties in its juridical and prison system:

In 1978, the International Red Cross conducted 1,287 visits to Arab detainees or prisoners. Only in six per cent of the cases did Red Cross representatives hear complaints from the detainees or prisoners, and these led to thorough investigations by the State Attorney, the full details of which were submitted to the International Red Cross.

Furthermore, the fact that Israel, unlike a number of Middle Eastern countries, has cooperated with the Red Cross in facilitating prison visits and that the ICRC has met with few complaints from prisoners renders the charge of systematic brutality and abuse invalid.

According to the ICRC, in 1978 there were about 3,000 Arab prisoners in Israeli jails, nearly all of whom were captured while on terrorist missions against Israel, or were in possession of arms and sabotage plans. The U. S. State Department has reported that only about 20 prisoners are being held under administrative detention--in accordance with the Fourth Geneva Convention (Article 78) and international law.

The assertions of Israeli mistreatment of prisoners in the West Bank and Gaza invariably stem from anti-Israel sources, and therefore suffer from a severe bias and lack of credibility. Israeli sources from all walks of life categorically deny such allegations. These denials should not be dismissed as merely self-serving, since Israel's character as an open and self-critical society is well known. Her vigorous and politically pluralistic free press, quick to point out every weakness and shortcoming, would have exposed this alleged system of torture if it existed. It does not exist.

To repeat the charges of Alexandra U. Johnson, whose reports have been thoroughly discredited, as "documentation" in the resolution reveals the authors' deliberate disregard for the truth. The gross misrepresentations and bias of Ms. Johnson and the initial Washington Post reports of alleged Israeli torture have been exposed. Ms. Johnson, who resigned after failing to receive tenure from the State Department, was engaged to marry one of the 29 Arabs who claimed to have been tortured. The Palestinians who alleged torture were all seeking entry visas to the United States and they knew that such visas are not granted to convicted criminals, especially those convicted of terrorism. Only by lying and claiming coercion by torture would they have a possibility of gaining entry to the U.S.

The Washington Post, shortly after publishing Ms. Johnson's allegations, acknowledged that its initial reports were "seriously flawed", and its partial quotations from Ms. Johnson's reports were "confusing and misleading." For its part, the State Department did not find any "systematic practice of mistreatment of prisoners" by Israel, and it noted that such practices violate Israeli law and that individual violators have been punished.

There are motives to make spurious charges. A prisoner who confesses voluntarily may claim he was tortured to protect himself against retribution from his fellows. Moreover, some of those who claim to have been tortured are highly politically motivated persons who are part of the terrorist organization. A terrorist who has no scruples against killing children is not likely to have scruples against lying about torture.

Despite the thousands of killings and maimings of Israeli citizens by terrorist bombings, Israel has not once applied the death penalty to Arab terrorists. In fact, Israel has executed only one convicted criminal-- Adolf Eichmann in 1962.

6. & 7. The resolution condemns Israel for its actions in Lebanon as if there were no prior history which precipitated these actions. Despite the many Arab wars against Israel since 1948, the Lebanese-Israeli border had been one of peace until the Palestine Liberation Organization and the Syrian Army entered Lebanon in the 1970s. The great tragedy of Lebanon has been the way these two parties manipulated a delicately balanced Christian-Muslim State and brought death, destruction, and utter chaos. It is a mockery of reality to refer to Lebanon as a "sovereign" State when, in fact, it has become an occupied country dominated by the military forces of Syria and the PLO. The Lebanese "Government" is clearly incapable of exercising sovereign authority within its boundaries, is evidently not in control of its own citizenry, and its armed forces and police are incapable of maintaining minimum public order. Since the PLO uses Lebanon as a base for its murderous terrorist attacks against Israel, the Israeli Government is left with only the customary international law norms of necessity and self defense.

The United Nations Charter did not foresee the use of terrorism as surrogate warfare, much less the fact of non-State and private armies making war on a neighboring State. In its decision in the Corfu Channel Case (1949), the World Court held that States are under an obligation not to knowingly allow their territory to be used for the purpose of violating the rights of other States. No State is required to endure attacks on its citizens.

In 1978, following the terrorist raid on the Israeli coastal road which culminated a series of attacks from a PLO-controlled Southern Lebanon, Israel exercised its legal right of self defense and entered Lebanon to destroy terrorist bases. Since the objective was protection of her citizens, not territorial gain, she withdrew several months later on the promise that a UN force would prevent the reintroduction of PLO forces into Southern Lebanon. The UN force has not met that obligation, and continued terrorist attacks on Israeli civilians have left Israel no choice but to attack those centers of terrorism. She has continually sought to avoid civilian deaths, but unfortunately the PLO has deliberately set up their bases among civilians--using innocent Palestinian women and children as hostages--so it can say to the world that Israelis kill civilians.

There would be no Israeli reprisals if the PLO ceased its murderous acts. Let the PLO test that proposition: stop the terrorism and then see if the reprisals continue. The only hope for both the Christian and Muslim communities of Lebanon lies in the withdrawal of 30,000 occupying Syrian troops. More than any other factor, Syria's continued determination to control Lebanon stands in the way of healing, reunification, and reconciliation.

8. While there are respectable arguments for and against current Israeli settlement policies there is no substantial basis for the charges that these policies are "illegal." Illegality presupposes an occupying power which has displaced a legitimate sovereign. Jordan and Egypt, the previous ruling powers, respectively, did not enjoy that status on the West Bank and Gaza. William V. O'Brien, professor of government at Georgetown University notes:

...the West Bank case differs from traditional belligerent occupation in two important respects. First, the West Bank was not and is not clearly the sovereign territory of Jordan, from whom Israel took it in a war of self-defense in 1967. The West Bank is an integral part of the Palestine Mandate within which a Jewish national home was to be created. In this sense the territory must be considered today to be unallocated territory. Jordan's seizure of the West Bank in 1948, in defiance of the UN partition plan, was recognized only by Britain and Pakistan, not by most states, including the United States and even the Arab states. It should be remembered that Jordan was originally recognized as "Transjordan," a state on the East Bank of the Jordan. Moreover, Jordan's claims to the West Bank have been consistently thrust aside by the Arab states. The current negotiations with Egypt certainly do not operate on the assumption that Jordan is the temporarily displaced sovereign of the West Bank territory, although Jordan's special role with regard to that territory is recognized. So, although the West Bank is "occupied" by Israel, it is not at all clear that the area is occupied Jordanian territory....

Israel, while denying the strict applicability of the 1907 and 1949 Geneva Conventions, applies their basic principles as guidelines to what has been an extremely positive and humane occupation. Jordanian law has been retained for the most part, but with constructive changes. A degree of local self-government, far exceeding anything permitted by Jordan, has been achieved. Women have been given the vote and the male franchise has been enlarged. Education and health standards have been improved decisively. This is reflected in a ten-fold and twenty-fold increase in the education and health budgets respectively. Criticisms of Israel's provisions for West Bank self-government and due process of law must be considered in the light of a very poor record compiled by Jordan on both counts in the 19 years preceding the Israeli occupation. To be sure, many Palestinians are dissatisfied with Israeli occupation, but by any reasonable standard they are better, more efficiently and more humanely governed than they were under Jordan. Given present trends, they could not expect better government under most contemporary Arab regimes.

To be sure, Article 49 of the 1949 Geneva Convention IV provides that, "The occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies." Since the convention is not clearly applicable it might be ignored. But the Israelis insist with reason that they are in compliance with Article 49 properly interpreted. It is clear from the context in which the 1949 Convention was drafted that the prohibited activity envisaged was the kind of World War II genocidal transfers of Jews and other victims of discrimination from Nazi Germany to occupied territories. Such practices, of course, have nothing to do with Israeli settlements on the West Bank. Moreover, inhabitants of the settlements are not "deported" or "transferred". Their choice of emigration is private and free, often based on religious grounds, and as often

effected against Israeli government resistance as with encouragement.

An intense debate has taken place in Israel over the Government's decision to use a very small plot of private Arab land for an Israeli settlement on the West Bank. Indeed, the Supreme Court of Israel has recently ruled that the land must be returned to its Arab owner-- a striking demonstration of Israeli democracy at work. There are two crucial points here. One, Israel is a society based on the rule of law where an independent judiciary, not the military or political rulers, has the final say. Second, the appropriation of private Arab land created such a furor precisely because it was an exception to the rule of not interfering in the life of the Arabs.

The Camp David Accords of 1978 deliberately left open both the question of settlements and the ultimate status of the West Bank. For Israel to accept in advance of negotiations the principle that Israelis cannot settle on the West Bank, is to make unnecessary the negotiations still ahead. It would also be a signal to hostile forces that military aggression is without impunity: if they win, they keep the land; if they lose, they still expect Israel to meet all their demands prior to negotiations. This would be destructive of all peace efforts, and is certainly counter to the intent of Camp David.

Moreover, between 1948 and 1967, with no Israeli settlements on the West Bank, there was no movement toward peace; on the other hand, existing settlements in the Sinai in 1979 proved no hinderance to the achievement of peace between Egypt and Israel.

9. The resolution charges that Israel is unwilling to deal with the refugee problem. This is totally false. Both UN Security Council 242 and the Camp David Accords speak to the refugee issue, with the understanding that a solution must address itself not only to Arab refugees, but also to the 800,000 Jews who fled from Arab lands and have resettled in Israel. Israel is prepared to negotiate on repatriation and compensation of Arab refugees. Why is there no mention in the resolution of compensation for the Jews who fled persecution in Arab lands and came to Israel, and whose personal properties and assets were confiscated? These problems can be worked out today as they could have been 30 years ago had the Arab states sat down to negotiate with Israel. Significantly, India and Pakistan were able to rehabilitate and resettle eleven million Muslim and Hindu refugees within two or three years. Why is the Palestinian refugee problem the only one in the world that has not yielded to a solution?

It is clear that Israel's enemies hope to gain through a carefully orchestrated propaganda campaign what they have been unable to achieve in repeated assaults on the battlefield: the weakening, and eventual undermining, of the Jewish state. To that end, defamatory attacks on Israel's behavior from any source, no matter how partisan or politicized, are invoked as if they represented disinterested judgments. Undocumented charges, motivated by malice, are continually repeated although their sources and substance have been discredited. Reports of United Nations agencies, composed of nations having

no diplomatic relations with Israel and openly hostile to the Jewish state, are footnoted as objective truth-- even when these agencies have overridden and contradicted the findings of their own investigative committees. Since anti-Israel forces have an automatic majority at the UN, the target of this smear campaign is the hearts and minds of American Christians, whose support for Israel is based on their conviction that Israel is a fellow democracy-- imperfect, as is any nation-- but with a proven commitment to justice, liberty and human rights-- the only state in the Middle East with such a record, and one of the few in a world in which freedom is a dwindling commodity.

It is at the end of section 9 of the resolution that the true motivation behind all these anti-Israel charges and attacks emerges. The resolution speaks of the rights of Palestinian people to seek "...the liberation of their homeland from the military occupier." This is clearly the rhetoric of the PLO for whom the "liberation" of Palestine means the destruction of the Jewish state. Just as terrorism is perceived by the PLO as a legitimate means of achieving that end, so too are the tactics of smear and deliberate misrepresentation.

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In addition to its smear tactics, the resolution is striking for its total lack of constructiveness. Egyptian leaders engaged in nearly 30 years of similar anti-Israel rhetoric, but when President Anwar Sadat decided that the needs of his country and his people were more important, he abandoned the aim of destroying Israel and turned to negotiation. Through the give and take of face-to-face meeting and mutual recognition, Sadat has achieved more for his people than all the anti-Israel rejectionists combined.

We are convinced that the Sadat-Begin-Carter peace initiative is the wave of hope in the Middle East. In the long run, others too will actively seek constructive and peaceful ways to solve practical problems. This positive approach will lead to better life for all the peoples of the region, Egyptians, Lebanese, Syrians, Jordanians, Israelis, and Palestinians-- for Christians, Muslims, and Jews. The proposed resolution flies in the face of facts and truth, and its unrelenting hostility to Israel pollutes the moral climate in which a true, lasting, and just Middle East peace will ultimately be achieved.

